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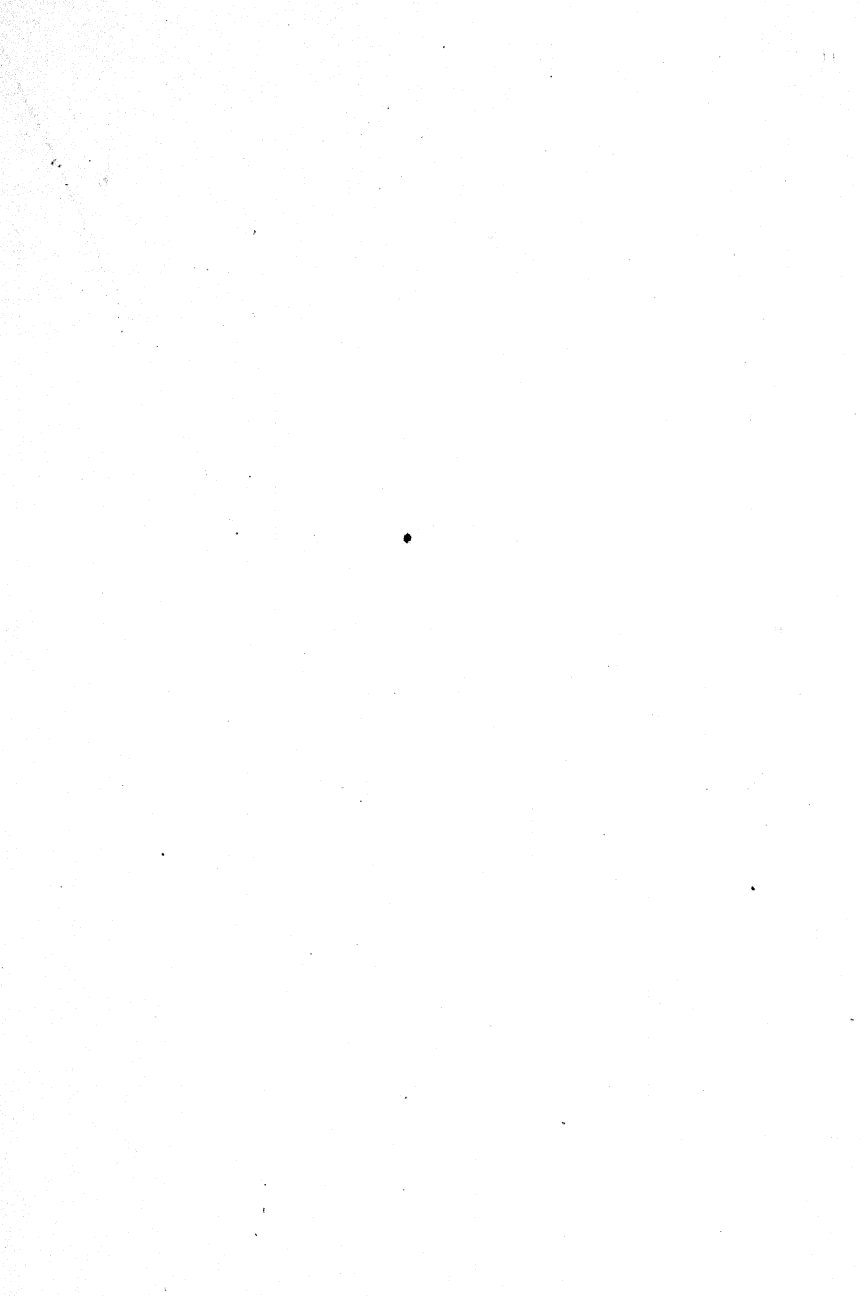
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April 15 1903

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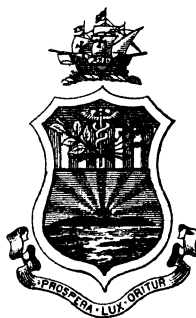
REVISED STATUTES

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CODES OF PORTO RICO

CONTAINING ALL LAWS PASSED AT THE
FIRST AND SECOND SESSIONS OF THE
LEGISLATIVE ASSEMBLY IN EFFECT
AFTER JULY FIRST, NINETEEN
HUNDRED AND TWO

INCLUDING
THE POLITICAL CODE
THE PENAL CODE
THE CODE OF CRIMINAL PROCEDURE
THE CIVIL CODE



PUBLISHED BY AUTHORITY
OF THE LEGISLATIVE ASSEMBLY

SAN JUAN, PORTO RICO.

BOLETIN MERCANTIL PRESS.



TREATY OF PEACE, ORGANIC ACT
AND
PROCLAMATION.

FOR CHARTERED BY THE STATE OF TEXAS

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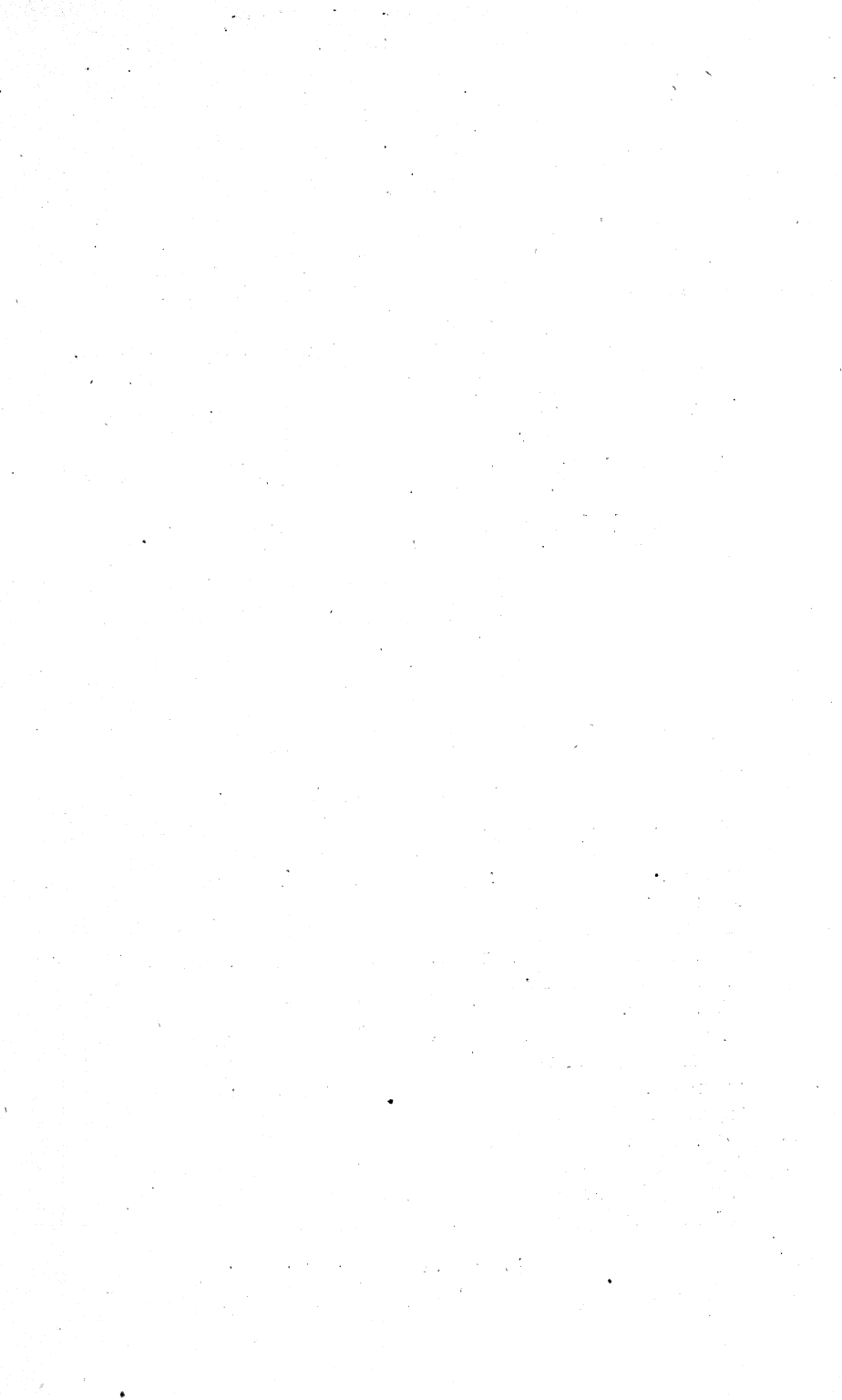
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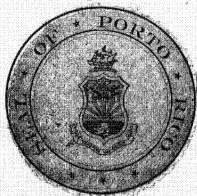
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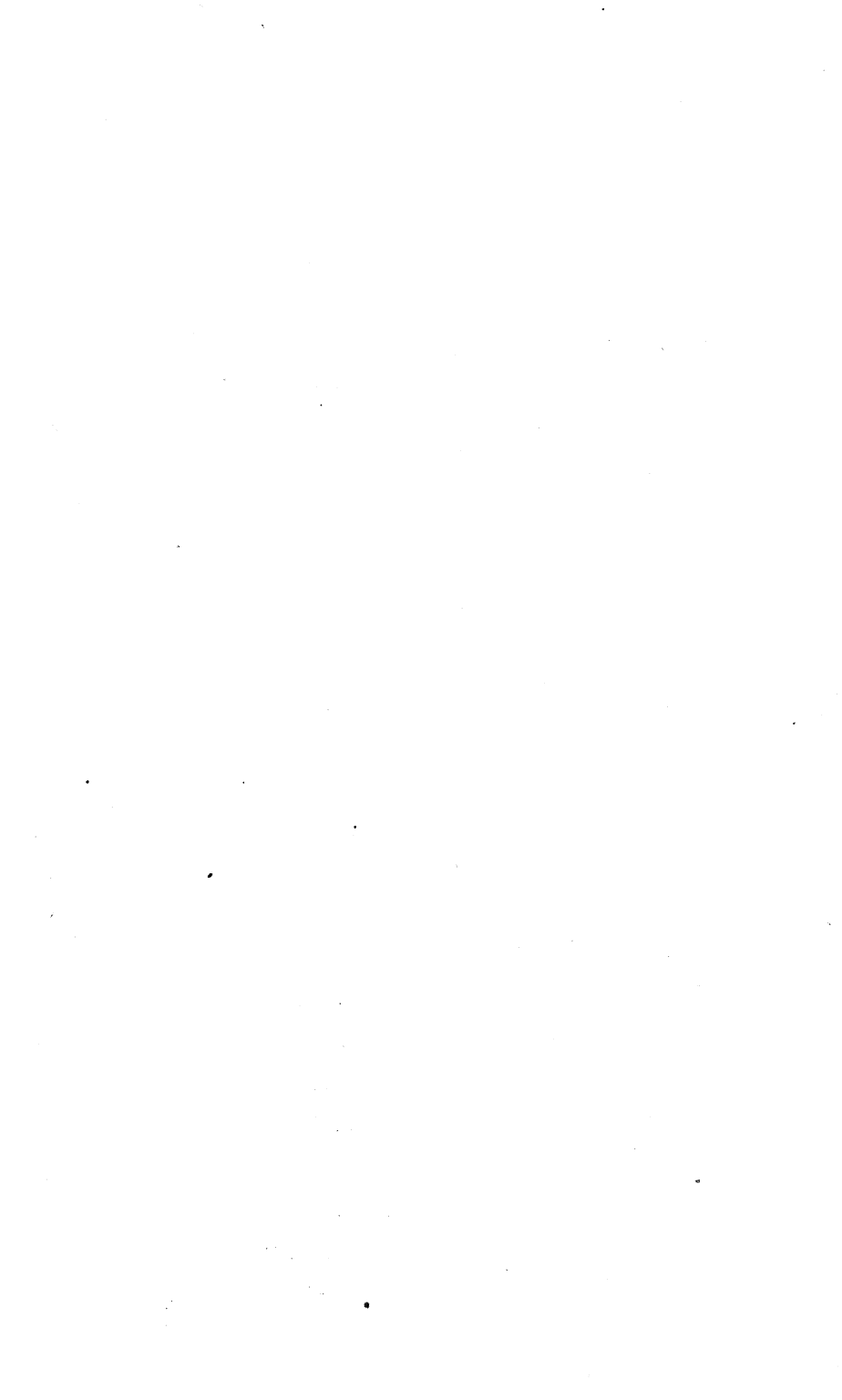
I, CHARLES HARTZELL, Secretary of Porto Rico, do hereby certify that this volume, containing the revised statutes and Codes of Porto Rico, has been prepared in accordance with the provisions of "An Act to provide for the compilation, rearrangement and publication of the Codes and other laws," duly passed at the second session of the Legislative Assembly of Porto Rico, and approved March first, nineteen hundred and two.

That the said volume contains correct transcripts of the text of the original laws and resolutions, including the Political Code, the Penal Code, the Code of Criminal Procedure and the Civil Code, as the same by their terms are in effect on and after the first day of July, A. D. nineteen hundred and two, and as they have been revised and arranged under the provisions of said Act providing for the publication thereof.



IN WITNESS WHEREOF I have hereunto set my hand and have affixed the great seal of Porto Rico at San Juan, this first day of August, one thousand nine hundred and two.

CHARLES HARTZELL,
Secretary of Porto Rico.



TREATY OF PEACE
BETWEEN
THE UNITED STATES OF AMERICA
AND
THE KINGDOM OF SPAIN.

Signed at Paris, December 10, 1898.

Ratification advised by the Senate, February 6, 1899.

Ratified by the President, February 6, 1899,

*Ratified by Her Majesty the Queen Regent of Spain,
March 19, 1899.*

*Ratifications exchanged at Washington, April 11,
1899.*

Proclaimed, Washington, April 11, 1899.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, a Treaty of Peace between the United States of America and Her Majesty the Queen Regent of Spain, in the name of her August Son, Don Alfonso XIII, was concluded and signed by their respective plenipotentiaries at Paris on the tenth day of December, 1898, the original of which Convention being in the English and Spain languages, is word for word as follows:

The United States of America and Her Majesty the Queen Regent of Spain, in the Name of Her August Son Don Alfonso XIII, desiring to end the state of war now existing between the two countries, have for that purpose appointed as Plenipotentiaries:

The President of the United States.

William R. Day, Cushman K. Davis, William P. Frye, George Gray. and Whitelaw Reid, citizens of the United States;

and Her Majesty the Queen Regent of Spain.

Don Eugenio Montero Ríos, President of the Senate,

Don Buenaventura de Abarzuza, Senator of the Kingdom and *ex*-Minister of the Crown,

Don José de Garnica, Deputy to the Cortes and Associate Justice of the Supreme Court,

Don Wenceslao Ramirez de Villa Urrutia, Envoy Extraordinary and Minister Plenipotentiary at Brussels and

Don Rafael Cerero, General of Division;

Who, having assembled in Paris, and having exchanged their full powers, which were found to be in due and proper form, have after discussion of the matters before them, agreed upon the following articles:

ARTICLE I.

Spain relinquishes all claim of sovereignty over and title to Cuba.

And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation, for the protection of life and property.

ARTICLE II.

Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and the island of Guam in the Marianas or Landrones.

ARTICLE III.

Spain cedes to the United States the archipelago known as the Philippine Islands, and comprehending the islands lying within the following line:

A line running from west to east along or near the twentieth parallel of north latitude, and through the middle of the navigable channel of Bachi, from the one hundred and eighteenth (118th) to the one hundred and twenty-seventh (127th) degree meridian of longitude east of Greenwich, thence along the one hundred and twenty-seventh (127th) degree meridian of longitude east of Greenwich to the parallel of four degrees and forty-five minutes ($4^{\circ} 45'$) north latitude, thence along the parallel of four degrees and forty-five minutes ($4^{\circ} 45'$) north latitude to its intersection with the meridian of longitude one hundred and nineteen degrees and thirty-five minutes ($119^{\circ} 35'$) east of Greenwich, thence along the meridian of longitude one hundred and nineteen degrees and thirty-five minutes ($119^{\circ} 35'$) east of Greenwich to the parallel of latitude seven degrees and forty minutes ($7^{\circ} 40'$) north, thence along the parallel of latitude seven degrees and forty minutes ($7^{\circ} 40'$) north to its intersection with the one hundred and sixteenth (116th) degree meridian of longitude east of Greenwich, thence by a direct line to the intersection of the tenth (10th) degree parallel of north latitude with the one hundred and eighteenth (118th) degree meridian of longitude east of Greenwich, and thence along the one hundred and eighteen (118th) degree meridian of longitude east of Greenwich to the point of beginning.

The United States will pay to Spain the sum of twenty million dollars (\$20,000,000) within three months

after the exchange of the ratifications of the present treaty.

ARTICLE IV.

The United States will, for the term of ten years from the date of the exchange of the ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States.

ARTICLE V.

The United States will, upon the signature of the present treaty, send back to Spain, at its own cost, the Spanish soldiers taken as prisoners of war on the capture of Manila by the American forces. The arms of the soldiers in question shall be restored to them.

Spain will, upon the exchange of the ratifications of the present treaty, proceed to evacuate the Philippines, as well as the island of Guam, on terms similar to those agreed upon by the Commissioners appointed to arrange for the evacuation of Porto Rico and other islands in the West Indies, under the Protocol of August 12, 1898, which is to continue in force till its provisions are completely executed.

The time within which the evacuation of the Philippine Islands and Guam shall be completed shall be fixed by the two Governments. Stands of colors, uncaptured war vessels, small arms, guns of all calibres, with their carriages and accesories, powder, ammunition, livestock, and materials and supplies of all kinds, belonging to the land and naval forces of Spain in the Philippines and Guam remain the property of Spain. Pieces of heavy ordnance, exclusive of field artillery, in the fortifications and coast defences, shall

remain in their emplacements for the term of six months, to be reckoned from the exchange of ratifications of the treaty; and the United States may, in the mean time, purchase such material from Spain, if a satisfactory agreement between the two Governments on the subject shall be reached.

ARTICLE VI.

Spain will, upon the signature of the present treaty, release all prisoners of war, and all persons detained or imprisoned for political offenses, in connection with the insurrections in Cuba and the Philippines and the war with the United States.

Reciprocally, the United States will release all persons made prisoners of war by the American forces, and will undertake to obtain the release of all Spanish prisoners in the hands of the insurgents in Cuba and the Philippines.

The Government of the United States will at its own cost returned to Spain and the Government of Spain will at its own cost return to the United States, Cuba, Porto Rico and the Philippines, according to the situation of their respective homes, prisoners released or caused to be released by them, respectively, under this article.

ARTICLE VII.

The United States and Spain mutually relinquish all claims for indemnity, national and individual of every kind, of either Government, or of its citizens, or subjects, against the other Government, that may have arisen since the beginning of the late insurrection in Cuba, and prior to the exchange of ratifications of the present treaty, including all claims for indemnity for the cost of the war.

The United States will adjudicate and settle the claims of its citizens against Spain relinquished in this article.

ARTICLE VIII.

In conformity with the provisions of Articles I, II, and III of this treaty, Spain relinquishes in Cuba, and cedes in Porto Rico and other islands in the West Indies, in the island of Guam, and in the Philippine Archipelago, all the buildings, wharves, barracks, forts, structures, public highways and other immovable property which, in conformity with law, belong to the public domain, and as such belong to the Crown of Spain.

And it is hereby declared that the relinquishment or cession; as the case may be, to which the preceding paragraph refers, cannot in any respect impair the property or rights which by law belong to the peaceful possession of property of all kinds, of provinces, municipalities, public or private establishment, ecclesiastical or civic bodies, or any other associations having legal capacity to acquire and possess property in the aforesaid territories renounced or ceded, or of private individuals, of whatsoever nationality such individuals may be.

The aforesaid relinquishment or cession as the case may be, includes all documents exclusively referring to the sovereignty relinquished or ceded that may exist in the archives of the Peninsula. Where any documents in such archives only in part relates to said sovereignty, a copy of such part will be furnished whenever it shall be requested. Like rules shall be reciprocally observed in favor of Spain in respect of documents in the archives of the islands above referred to.

In the aforesaid relinquishment or cession as the case

may be, are also included such rights as the Crown of Spain and its authorities possess in respect of the official archives and records, executive as well as judicial, in the islands above referred to, which relate to said islands or the rights and property of their inhabitants. Such archives and records shall be carefully preserved, and private persons shall without distinction have the right to require, in accordance with law, authenticated copies of the contracts, wills and others instruments forming part of notarial protocols or files, or which may be contained in the executive or judicials archives, be the latter in Spain or in the island aforesaid.

ARTICLE IX.

Spanish subjects, natives of the Peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce and professions, being subject in respect thereof to such laws as are applicable to others foreigners. In case they remain in the territory they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of the exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside. The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

ARTICLE X.

The inhabitants of the territories over which Spain relinquishes or cedes her sovereignty shall be secured in free exercise of their religion.

ARTICLE XI.

The Spaniards residing in the territories over which Spain by this treaty cedes or relinquishes her sovereignty shall be subject in matters civil as well as criminal to the jurisdiction of the courts of the country wherein they reside, pursuant to the ordinary laws governing the same; and they shall have the right to appear before such courts, and to pursue the same course as citizens of the country to which the courts belong.

ARTICLE XII.

Judicial proceedings pending at the time of the exchange of ratifications of this treaty in the territories over which Spain relinquishes or cedes her sovereignty shall be determined according to the following rules:

1. Judgments rendered either in civil suits between private individuals, or in criminal matters, before the date mentioned, and with respect to which there is no recourse or right of review under the Spanish law, shall be deemed to be final, and shall be executed in due form by competent authority in the territory within which such judgments should be carried out.

2. Civil suits between private individuals which may on the date mentioned be undetermined shall be prosecuted to judgment before the court in which they may then be pending or in the court that may be substituted therefor.

3. Criminal actions pending on the date mention-

ed before the Supreme Court of Spain against citizens of the territory which by this treaty ceases to be Spanish shall continue under its jurisdiction until final judgment; but, such judgment having been rendered, the execution thereof shall be committed to the competent authority of the place in which the case arose.

ARTICLE XIII.

The rights of property secured by copyrights and patent acquired by Spaniards in the Island of Cuba, and in Porto Rico, the Philippines and other ceded territories, at the time of the exchange of the ratifications of this treaty, shall continue to be respected. Spanish scientific, literary and artistic works, not subversive of public order in the territories in question, shall continue to be admitted free of duty into such territories, for the period of ten years, to be reckoned from the date of the exchange of the ratifications of this treaty.

ARTICLE XIV.

Spain shall have the power to establish consular officers in the ports and places of the territories, the sovereignty over which has been either relinquished or ceded by the present treaty.

ARTICLE XV.

The Government of each country will, for the term of ten years, accord to the merchant vessels of the other country the same treatment in respect of all port charges, including entrance and clearance dues, light dues, and tonnage duties, as it accords to its own merchant vessels, not engaged in the coastwise trade.

This article may at any time be terminated on six months' notice given by either Government to the other.

ARTICLE XVI

It is understood that any obligations assumed in this treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof; but it will upon the termination of such occupancy, advise any Government established in the island to assume the same obligations.

ARTICLE XVII

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Majesty the Queen Regent of Spain; and the ratifications shall be exchanged at Washington within six months from the date hereof, or earlier if possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in duplicate at Paris, the tenth day of December, in the year of Our Lord one thousand eight hundred and ninety eight.

| | |
|-------------------------|-------------------------------|
| [SEAL] WILLIAM R. DAY | [SEAL] EUGENIO MONTERO RIOS |
| [SEAL] CUSHMAN K. DAVIS | [SEAL] B. DE ABARZUA |
| [SEAL] WM. P. FRYE | [SEAL] J. DE GARNICA |
| [SEAL] GEO. GRAY | [SEAL] W. R. DE VILLA URRUTIA |
| [SEAL] WHITELAW REID | [SEAL] RAFAEL CERERO |

And whereas, the said Convention has been duly ratified on both parts, and the ratification of the two Governments were exchanged in the City of Washington, on the eleventh day of April, one thousand eight hundred and ninety nine.

Now, therefore, be it known that I, William Mc

Kinley, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this eleventh day of April, in the year of Our Lord one thousand [SEAL] eight hundred and ninety-nine, and of the Independence of the United States the one hundred and twenty-third.

WILLIAM MCKINLEY.

By the President,

JOHN HAY,

Secretary of State.





ORGANIC ACT.

AN ACT TEMPORARILY TO PROVIDE REVENUES AND A CIVIL GOVERNMENT FOR PORTO RICO, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

That the provisions of this Act shall apply to the island of Porto Rico and to the adjacent islands and waters of the islands lying east of the seventy-fourth meridian of longitude west of Greenwich, which were ceded to the United States by the Government of Spain by treaty entered into on the tenth day of December, eighteen hundred and ninety eight; and the name Porto Rico, as used in this Act, shall be held to include not only the island of that name, but all the adjacent islands as aforesaid.

SECTION 2.—That on and after the passage of this Act the same tariffs, customs, and duties shall be levied, collected and paid upon all articles imported into Porto Rico from ports other than those of the United States which are required by law to be collected upon articles imported into the United States from foreign countries: *Provided*, That on all coffee in the bean or ground imported into Porto Rico there shall be levied and collected a duty of five cents per pound, any law or part of law, to the contrary notwithstanding: *And Provided further*, That all Spanish scientific, literary, and artistic

works, not subversive of public order in Porto Rico, shall be admitted free of duty into Porto Rico for a period of ten years, reckoning from the eleventh day of April, eighteen hundred and ninety-nine, as provided in said treaty of peace between the United States and Spain: *And Provided further*, That all books and pamphlets printed in the English language shall be admitted into Porto Rico free of duty when imported from the United States.

SECTION 3.—That on and after the passage of this Act all merchandise coming into the United States from Porto Rico and coming into Porto Rico from the United States shall be entered at the several ports of entry upon payment of fifteen per centum of the duties which are required to be levied, collected, and paid upon like articles of merchandise imported from foreign countries; and in addition thereto upon articles of merchandise of Porto Rican manufacture coming into the United States and withdrawn for consumption or sale upon payment of a tax equal to the internal-revenue tax imposed in the United States upon the like articles of merchandise of domestic manufacture; such tax to be paid by internal revenue stamp or stamps to be purchased and provided by the Commissioner of Internal Revenue and to be procured from the collector of internal revenue at or most convenient to the port of entry of said merchandise in the United States, and to be affixed under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and on all articles of merchandise of United States manufacture coming into Porto Rico in addition to the duty above provided upon payment of a tax equal in rate and amount to the internal revenue tax imposed in Porto Rico upon the like articles of Porto Rican

manufacture: *Provided*, That on and after the date when this Act shall take effect, all merchandise and articles, except coffee not dutiable under the tariff laws of the United States and all merchandise and articles entered into Porto Rico free of duty under orders heretofore made by the Secretary of War, shall be admitted into the several ports thereof, when imported from the United States, free of duty, all laws or parts of laws to the contrary notwithstanding; and whenever the legislative assembly of Porto Rico shall have enacted and put into operation a system of local taxation to meet the necessities of the government of Porto Rico, by this Act established, and shall by resolution duly passed so notify the President, he shall make proclamation thereof, and thereupon all tariff duties on merchandise and articles going into Porto Rico from the United States or coming into the United States from Porto Rico shall cease, and from and after such date all such merchandise and articles shall be entered at the several ports of entry free of duty; and in no event shall any duties be collected after the first day of March, nineteen hundred and two, on merchandise and articles going into Porto Rico from the United States or coming into the United States from Porto Rico.

SECTION 4.—That the duties and taxes collected in Porto Rico in pursuance of this Act, less the cost of collecting the same, and the gross amount of all collections of duties and taxes in the United States upon articles of merchandise coming from Porto Rico, shall not be covered into the general fund of the Treasury, but shall be held as a separate fund, and shall be placed at the disposal of the President to be used for the government and benefit of Porto Rico until the government of Porto Rico herein provided for shall have been organized, when

all moneys theretofore collected under the provisions hereof, then unexpended, shall be transferred to the local treasury of Porto Rico, and the Secretary of the Treasury shall designate the several ports and sub-ports of entry in Porto Rico and shall make such rules and regulations and appoint such agents as may be necessary to collect the duties and taxes authorized to be levied, collected, and paid in Porto Rico by the provisions of this Act, and he shall fix the compensation and provide for the payment thereof of all such officers, agents, and assistants as he may find it necessary to employ to carry out the provisions thereof: *Provided, however,* That as soon as a civil government for Porto Rico shall have been organized in accordance with the provisions of this Act, and notice thereof shall have been given to the President he shall make proclamation thereof, and thereafter all collections of duties and taxes in Porto Rico under the provisions of this Act shall be paid into the treasury of Porto Rico, to be expended as required by law for the government and benefit thereof instead of being paid into the Treasury of the United States.

SECTION 5.—That on and after the day when this Act shall go into effect all goods, wares, and merchandise previously imported from Porto Rico, for which no entry has been made, and all goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this Act, and to no other duty, upon the entry or the withdrawal thereof: *Provided,* That when duties are based upon the weight of merchandise deposited in any public or private bonded warehouse said duties shall be levied and collected

upon the weight of such merchandise at the time of its entry.

GENERAL PROVISIONS.

SECTION 6.—That the capital of Porto Rico shall be at the city of San Juan and the seat of government shall be maintained there.

SECTION 7.—That all inhabitants continuing to reside therein who were Spanish subjects on the eleventh day of April, eighteen hundred and ninety-nine, and then resided in Porto Rico, and their children born subsequent thereto, shall be deemed and held to be citizens of Porto Rico, and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain on or before the eleventh day of April, nineteen hundred, in accordance with the provisions of the treaty of peace between the United States and Spain entered into on the eleventh day of April, eighteen hundred and ninety-nine; and they, together with such citizens of the United States as may reside in Porto Rico, shall constitute a body politic under the name of The People of Porto Rico, with governmental powers as hereinafter conferred, and with power to sue and be sued as such.

SECTION 8.—That the laws and ordinances of Porto Rico now in force shall continue in full force and effect, except as altered, amended, or modified hereinafter, or as altered or modified by military orders and decrees in force when this Act shall take effect, and so far as the same are not inconsistent or in conflict with the statutory laws of the United States not locally inapplicable, or the provisions hereof, until altered, amended, or repealed by the legislative authority hereinafter provided for Porto Rico or by Act of Congress of the United States: *Provided*, That so much of the law which was

in force at the time of cession, April eleventh, eighteen hundred and ninety-nine, forbidding the marriage of priests, ministers, or followers of any faith because of vows they may have taken, being paragraph four, article eighty-three, chapter three, civil code, and which was continued by the order of the secretary of justice of Porto Rico, dated March seventeenth, eighteen hundred and ninety-nine, and promulgated by Major-General Guy V. Henry, United States Volunteers, is hereby repealed and annulled, and all persons lawfully married in Porto Rico shall have all the rights and remedies conferred by law upon parties to either civil or religious marriages; *And provided further*, That paragraph one, article one hundred and five, section four, divorce, civil code, and paragraph two, section nineteen, of the order of the minister of justice of Porto Rico, dated March seventeenth, eighteen hundred and ninety-nine, and promulgated by Major-General Guy V. Henry, United States Volunteers, be, and the same hereby are, so amended as to read: "Adultery on the part of either the husband or the wife."

SECTION 9.—That the Commissioner of Navigation shall make such regulations, subject to the approval of the Secretary of the Treasury, as he may deem expedient for the nationalization of all vessels owned by the inhabitants of Porto Rico on the eleventh day of April, eighteen hundred and ninety-nine, and which continued to be so owned up to the date of such nationalization, and for the admission of the same to all the benefits of the coasting trade of the United States; and the coasting trade between Porto Rico and United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts of the United States.

SECTION 10.—That quarantine stations shall be established at such places in Porto Rico as the Supervising Surgeon-General of the Marine-Hospital Service of the United States shall direct, and the quarantine regulations relating to the importation of diseases from other countries shall be under the control of the Government of the United States.

SECTION 11.—That for the purpose of retiring the Porto Rican coins now in circulation in Porto Rico and substituting therefor the coins of the United States, the Secretary of the Treasury is hereby authorized to redeem, on presentation in Porto Rico, all the silver coins of Porto Rico known as the peso and all other silver and copper Porto Rican coins now in circulation in Porto Rico, not including any such coins that may be imported into Porto Rico, after the first day of February, nineteen hundred, at the present established rate of sixty cents in the coins of the United States for one peso of Porto Rican coin, and for all minor or subsidiary coins the same rate of exchange shall be applied. The Porto Rican coins so purchased or redeemed shall be recoined at the expense of the United States, under the direction of the Secretary of the Treasury, into such coins of the United States now authorized by law as he may direct, and from and after three months after the date when this Act shall take effect no coins shall be a legal tender, in payment of debts thereafter contracted, for any amount in Porto Rico, except those of the United States; and whatever sum may be required to carry out the provisions hereof, and to pay all expenses that may be incurred in connection therewith, is hereby appropriated, and the Secretary of the Treasury is hereby authorized to establish such regulations and employ such agencies as may be necessary to accomplish

the purposes hereof : *Provided, however,* That all debts owing on the date when this Act shall take effect shall be payable in the coins of Porto Rico now in circulation, or in the coins of the United States at the rate of exchange above named.

SECTION 12.—That all expenses that may be incurred on account of the government of Porto Rico for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement or development of the island, not, however, including defenses, barracks, harbors, light-houses, buoys, and other works undertaken by the United States, shall be paid by the treasurer of Porto Rico out of the revenues in his custody.

SECTION 13.—That all property which may have been acquired in Porto Rico by the United States under the cession of Spain in said treaty of peace in any public bridges, road houses, water powers, highways, unnavigable streams, and the beds thereof, subterranean waters, mines, or minerals under the surface of private lands, and all property which at the time of the cession belonged, under the laws of Spain then in force, to the various harbor-works boards of Porto Rico, and all the harbor shores, docks, slips, and reclaimed lands, but not including harbor areas or navigable waters, is hereby placed under the control of the government established by this Act to be administered for the benefit of the people of Porto Rico; and the legislative assembly hereby created shall have authority subject to the limitations imposed upon all its acts, to legislate with respect to all such matters as it may deem advisable.

SECTION 14.—That the statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same.

force and effect in Porto Rico as in the United States, except the internal-revenue laws, which, in view of the provisions of section three, shall not have force and effect in Porto Rico.

SECTION 15.—That the legislative authority hereinafter provided shall have powers by due enactment to amend, alter, modify, or repeal any law or ordinance, civil or criminal, continued in force by this Act, as it may from time to time see fit.

SECTION 16.—That all judicial process shall run in the name of "United States of America, ss: the President of the United States", and all criminal or penal prosecutions in the local courts shall be conducted in the name and by the authority of "The people of Porto Rico"; and all officials authorized by this Act shall before entering upon the duties of their respective offices take an oath to support the Constitution of the United States and the laws of Porto Rico.

THE GOVERNOR.

SECTION 17.—That the official title of the chief executive officer shall be "The Governor of Porto Rico." He shall be appointed by the President, by and with the advice and consent of the Senate; he shall hold his office for a term of four years and until his successor is chosen and qualified unless sooner removed by the President; he shall reside in Porto Rico during his official incumbency, and shall maintain his office at the seat of government; he may grant pardons and reprieves, and remit fines and forfeitures for offenses against the laws of Porto Rico, and respites for offenses against the laws of the United States, until the decision of the President can be ascertained; he shall commission all officers that he may be authorized to appoint, and may veto any legislation

enacted, as hereinafter provided; he shall be the commander in chief of the militia, and shall at all times faithfully execute the laws, and he shall in that behalf have all the powers of governors of the Territories of the United States that are not locally inapplicable; and he shall annually, and at such other times as he may be required, make official report of the transactions of the government in Porto Rico, through the Secretary of State, to the President of the United States: *Provided*, That the President may, in his discretion, delegate and assign to him such executive duties and functions as may in pursuance with law be so delegated and assigned.

THE EXECUTIVE COUNCIL.

SECTION 18.—That there shall be appointed by the President, by and with the advice and consent of the Senate, for the period of four years, unless sooner removed by the President, a secretary, an attorney-general, a treasurer, an auditor, a commissioner of the interior, and a commissioner of education, each of whom shall reside in Porto Rico during his official incumbency and have the powers and duties hereinafter provided for them, respectively, and who, together with five other persons of good repute, to be also appointed by the President for a like term of four years, by and with the advice and consent of the Senate, shall constitute an executive council, at least five of whom shall be native inhabitants of Porto Rico, and, in addition to the legislative duties hereinafter imposed upon them as a body, shall exercise such powers and perform such duties as are hereinafter provided for them, respectively, and who shall have power to employ all necessary deputies and assistants for the proper discharge of their duties as such officials and as such executive council.

SECTION 19.—That the secretary shall record and preserve minutes of the proceedings of the executive council and the laws enacted by the legislative assembly and all acts and proceedings of the governor, and shall promulgate all proclamations and orders of the governor and all laws enacted by the legislative assembly. He shall, within sixty days after the end of each session of the legislative assembly, transmit to the President, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of State of the United States one copy each of the laws and journals of such session.

SECTION 20.—That in case of the death, removal, resignation, or disability of the governor, or his temporary absence from Porto Rico, the secretary shall exercise all the powers and perform all the duties of the governor during such vacancy, disability, or absence.

SECTION 21.—That the attorney-general shall have all the powers and discharge all the duties provided by law for an attorney of a Territory of the United States in so far as the same are not locally inapplicable, and he shall perform such other duties as may be prescribed by law, and make such reports, through the governor, to the Attorney-General of the United States as he may require, which shall annually be transmitted to Congress.

SECTION 22.—That the treasurer shall give bond, approved as to form by the attorney-general of Porto Rico, in such sum as the executive council may require, not less, however, than the sum of one hundred thousand dollars, with surety approved by the governor, and he shall collect and be the custodian of the public funds, and shall disburse the same when appropriated by law, on warrants signed by the auditor and countersigned by the governor, and shall perform such other duties as may

be prescribed by law, and make, through the governor, such reports to the Secretary of the Treasury of the United States, as he may require, which shall annually be transmitted to Congress.

SECTION 23.—That the auditor shall keep full and accurate accounts, showing all receipts and disbursements, and perform such other duties as may be prescribed by law, and make, through the Governor, such reports to the Secretary of the Treasury of the United States as he may require, which shall annually be transmitted to Congress.

SECTION 24.—That the commissioner of the interior shall superintend all works of a public nature, and shall have charge of all public buildings, grounds, and lands, except those belonging to the United States, and shall execute such requirements as may be imposed by law with respect thereto, and shall perform such other duties as may be prescribed by law, and make such reports through the governor to the Secretary of the Interior of the United States as he may require, which shall annually be transmitted to Congress.

SECTION 25.—That the commissioner of education shall superintend public instruction throughout Porto Rico, and all disbursements on account thereof must be approved by him ; and he shall perform such other duties as may be prescribed by law, and make such reports through the governor as may be required by the Commissioner of Education of the United States, which shall annually be transmitted to Congress.

SECTION 26.—That the other five members of the executive council, to be appointed as hereinbefore provided, shall attend all meetings of the executive council and participate in all business of every character that may be transacted by it ; and they shall receive as com-

pensation for their services such annual salaries as may be provided by the legislative assembly.

HOUSE OF DELEGATES.

SECTION 27.—That all local legislative powers hereby granted shall be vested in a legislative assembly which shall consist of two houses; one the executive council, as hereinbefore constituted, and the other a house of delegates, to consist of thirty-five members elected biennially by the qualified voters as hereinafter provided; and the two houses thus constituted shall be designated "The legislative assembly of Porto Rico."

SECTION 28.—That for the purposes of such elections Porto Rico shall be divided by the executive council into seven districts, composed of contiguous territory and as nearly equal as may be in population, and each district shall be entitled to five members of the house of delegates.

ELECTION OF DELEGATES.

SECTION 29.—That the first election for delegates shall be held on such date and under such regulations as to ballots and voting as the executive council may prescribe; and at such elections the voters of each legislative district shall choose five delegates to represent them in the house of delegates from the date of their election and qualification until two years from and after the first day of January next ensuing; of all which thirty days' notice shall be given by publication in the Official Gazette or by printed notices distributed and posted throughout the district, or by both, as the executive council may prescribe. At such elections all citizens of Porto Rico shall be allowed to vote who have been *bona fide* residents for one year and who possess

the other qualifications of voters under the laws and military orders in force on the first day of March, nineteen hundred, subject to such modifications and additional qualifications and such regulations and restrictions as to registration as may be prescribed by the executive council. The house of delegates so chosen shall convene at the capital and organize by the election of a speaker, a clerk, a sergeant-at-arms, and such other officers and assistants as it may require, at such time as may be designated by the executive council; but it shall not continue in session longer than sixty days in any one year, unless called by the governor to meet in extraordinary session. The enacting clause of the laws shall be, "Be it enacted by the legislative assembly of Porto Rico;" and each member of the house of delegates shall be paid for his services at the rate of five dollars per day for each day's attendance while the house is in session, and mileage at the rate of ten cents per mile for each mile necessarily travelled each way to and from each session of the legislative assembly.

All future elections of delegates shall be governed by the provisions hereof, so far as they are applicable, until the legislative assembly shall otherwise provide.

SECTION 30.—That the house of delegates shall be the sole judge of the elections, returns, and qualification of its members, and shall have and exercise all the powers with respect to the conduct of its proceedings that usually appertain to parliamentary legislative bodies. No person shall be eligible to membership in the house of delegates who is not twenty-five years of age and able to read and write either the Spanish or the English language, or who is not possessed in his own right of taxable property, real or personal, situated in Porto Rico.

SECTION 31.—That all bills may originate in either house, but no bill shall become a law unless it be passed in each house by a majority vote of all the members belonging to such house and be approved by the governor within ten days thereafter. If, when a bill that has been passed is presented to the governor for signature, he approves the same, he shall sign it, or if not he shall return it, with his objections, to that house in which it originated, which house shall enter his objections at large on its journal, and proceed to reconsider the bill. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent together the objections, to other house, by which it shall likewise be considered, and if approved by two-thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered upon the journal of each house, respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislative assembly by adjournment prevent its return, in which case it shall not be a law: *Provided, however,* That all laws enacted by the legislative assembly shall be reported to the Congress of the United States, which hereby reserves the power and authority, if deemed advisable, to annul the same.

SECTION 32. That the legislative authority herein provided shall extend to all matters of a legislative character not locally inapplicable, including power to create, consolidate, and reorganize the municipalities, so far as may be necessary, and to provide and repeal laws and ordinances therefor; and also the power to alter, amend,

modify, and repeal any and all laws and ordinances of every character now in force in Porto Rico, or any municipality or district thereof, not inconsistent with the provisions hereof: *Provided however*, That all grants of franchises, rights, and privileges or concessions of a public or quasi-public nature shall be made by the executive council, with the approval of the governor, and all franchises granted in Porto Rico shall be reported to Congress, which hereby reserves the power to annul or modify the same.

THE JUDICIARY.

SECTION 33.—That the judicial power shall be vested in the courts and tribunals of Porto Rico as already established and now in operation, including municipal courts, under and by virtue of General Orders, Numbered One hundred and eighteen, as promulgated by Brigadier-General Davis, United States Volunteers, August sixteenth, eighteen hundred and ninety-nine, and including also the police courts established by General Orders Numbered One hundred and ninety-five, promulgated November twenty-ninth, eighteen hundred and ninety-nine, by Brigadier-General Davis, United States Volunteers, and the laws and ordinances of Porto Rico and the municipalities thereof in force, so far as the same are not in conflict herewith all which courts and tribunals are hereby continued. The jurisdiction of said courts and the form of procedure in them, and the various officials and attaches thereof, respectively, shall be the same as defined and prescribed in and by said laws and ordinances, and said General Orders, Numbered One hundred and eighteen and One hundred and ninety five, until otherwise provided by law: *Provided, however*, That the chief justice and associate.

justices of the supreme court and the marshal thereof shall be appointed by the President, by and with the advice and consent of the Senate, and the judges of the district courts shall be appointed by the governor, by and with the advice and consent of the executive council, and all other officials and attachés of all the other courts shall be chosen as may be directed by the legislative assembly, which shall have authority to legislate from time to time as it may see fit with respect to said courts, and any others they may deem it advisable to establish, their organization, the number of judges and officials and attachés for each, their jurisdiction, their procedure, and all other matters affecting them.

SECTION 34.—That Porto Rico shall constitute a judicial district to be called “the district of Porto Rico.” The President, by and with the advice and consent of the Senate, shall appoint a district judge, a district attorney, and a marshal for said district, each for a term of four years, unless sooner removed by the President. The district court for said district shall be called the district court of the United States for Porto Rico and shall have power to appoint all necessary officials and assistants, including a clerk, an interpreter, and such commissioners as may be necessary, who shall have like power and duties as are exercised and performed by commissioners of the circuit courts of the United States, and shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizant in the circuit courts of the United States, and shall proceed therein in the same manner as a circuit court. The laws of the United States relating to appeals, writs of error and certiorari, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the

several States shall govern in such matters and proceedings as between the district court of the United States and the courts of Porto Rico. Regular terms of said court shall be held at San Juan, commencing on the second Monday in April and October of each year, and also at Ponce on the second Monday in January of each year, and special terms may be held at Mayaguez at such other stated times as said judge may deem expedient. All pleadings and proceedings in said court shall be conducted in the English language.

The United States district court hereby established shall be the successor to the United States provisional court established by General Orders, Numbered Eighty-eight, promulgated by Brigadier-General Davis, United States Volunteers, and shall take possession of all records of that court, and take jurisdiction of all cases and proceedings pending therein, and said United States provisional court is hereby discontinued.

SECTION 35.—That writs of error and appeals from the final decisions of the supreme court of Porto Rico and the district court of the United States shall be allowed and may be taken to the Supreme Court of the United States in the same manner and under the same regulations and in the same cases as from the supreme courts of the Territories of the United States, and such writs of error and appeal shall be allowed in all cases where the Constitution of the United States, or a treaty thereof, or an Act of Congress is brought in question and the right claimed thereunder is denied; and the supreme and district courts of Porto Rico and the respective judges thereof may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the district and circuit courts of the United States. All such proceedings in the Supreme Court of

the United States shall be conducted in the English language.

SECTION 36.—That the salaries of all officials of Porto Rico not appointed by the President, including deputies, assistants, and other help, shall be such, and be so paid out of the revenues of Porto Rico, as the executive council shall from time to time determine : *Provided, however,* That the salary of no officer shall be either increased or diminished during his term of office. The salaries of all officers and all expenses of the offices of the various officials of Porto Rico, appointed as herein provided by the President, including deputies, assistants and other help, shall also be paid out of the revenues of Porto Rico on the warrant of the auditor, countersigned by the governor.

The annual salaries of the officials appointed by the President, and so to be paid, shall be as follows:

The governor, eight thousand dollars; in addition thereto he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of Porto Rico, with the furniture and effects therein, free of rental.

The secretary, four thousand dollars.

The attorney-general, four thousand dollars.

The treasurer, five thousand dollars.

The auditor, four thousand dollars.

The commissioner of the interior, four thousand dollars.

The commissioner of education, three thousand dollars.

The chief justice of the supreme court, five thousand dollars.

The associate justices of the supreme court (each), four thousand five hundred dollars.

The marshal of the supreme court, three thousand dollars.

The United States district judge, five thousand dollars.

The United States district attorney, four thousand dollars.

The United States district marshal, three thousand five hundred dollars.

SECTION 37.—That the provisions of the foregoing section shall not apply to the municipal officials. Their salaries and the compensation of their deputies, assistants, and other help, as well as all other expenses incurred by the municipalities, shall be paid out of the municipal revenues in such manner as the legislative assembly shall provide.

SECTION 38.—That no export duties shall be levied or collected on exports from Porto Rico; but taxes and assessments on property, and license fees for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by act of the legislative assembly; and where necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Porto Rico or any municipal government therein as may be provided by law to provide for expenditures authorized by law, and to protect the public credit, and to reimburse the United States for any moneys which have been or may be expended out of the emergency fund of the War Department for the relief of the industrial conditions of Porto Rico caused by the hurricane of August eighth, eighteen hundred and ninety-nine: *Provided, however,* That no public indebtedness of Porto Rico or of any municipality thereof shall be authori-

zed or allowed in excess of seven per centum of the aggregate tax valuation of its property.

SECTION 39.—That the qualified voters of Porto Rico shall, on the first Tuesday after the first Monday of November, anno Domini nineteen hundred, and every two years thereafter, choose a resident commissioner to the United States, who shall be entitled to official recognition as such by all Departments, upon presentation to the Department of State of a certificate of election of the governor of Porto Rico, and who shall be entitled to a salary, payable monthly by the United States, at the rate of five thousand dollars per annum: *Provided*, That no person shall be eligible to such election who is not a bona fide citizen of Porto Rico, who is not thirty years of age, and who does not read and write the English language.

SECTION 40.—That a commission, to consist of three members, at least one of whom shall be a native citizen of Porto Rico, shall be appointed by the President, by and with the advice and consent of the Senate, to compile and revise the laws of Porto Rico, also the various codes of procedure and systems of municipal government now in force, and to frame and report such legislation as may be necessary to make a simple, harmonious, and economical government, establish justice and secure its prompt and efficient administration, inaugurate a general system of education and public instruction, provide buildings and funds therefor, equalize and simplify taxation and all the methods of raising revenue and make all other provisions that may be necessary to secure and extend the benefits of a republican form of government to all the inhabitants of Porto Rico; and all the expenses of such commissioners, including all necessary clerks and other assistants that

they may employ, and a salary to each member of the commission at the rate of five thousand dollars per annum, shall be allowed and paid out of the treasury of Porto Rico as a part of the expenses of the government of Porto Rico. And said commission shall make full and final report, in both the English and Spanish languages, of all its revisions, compilations and recommendations, with explanatory notes as to the changes and the reasons therefor, to the Congress on or before one year after the passage of this Act.

SECTION 41.—That this Act shall take effect and be in force from and after the first day of May, nineteen hundred,

Approved, April 12, 1900.

JOINT RESOLUTION TO PROVIDE FOR THE ADMINISTRATION OF CIVIL AFFAIRS IN PORTO RICO PENDING THE APPOINTMENT AND QUALIFICATION OF THE CIVIL OFFICERS PROVIDED FOR IN THE ACT APPROVED APRIL TWELFTH, NINETEEN HUNDRED, ENTITLED, "AN ACT TEMPORARILY TO PROVIDE REVENUES AND A CIVIL GOVERNMENT FOR PORTO RICO, AND FOR OTHER PURPOSES."

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled:

That until the officer to fill any office provided for by the Act of April twelfth, nineteen hundred, entitled "An Act temporarily to provide revenues and a civil government of Porto Rico, and for other purposes," shall have been appointed and qualified, the officer or officers now performing the civil duties pertaining to such office may continue to perform the same under the authority of said Act; and no officer of the Army shall

lose his commission by reason thereof; *Provided*, That nothing herein contained shall be held to extend the time for the appointment and qualification of any such officers beyond the first day of August, nineteen hundred.

SECTION 2.—That all railroad, street railway telegraph and telephone franchises, privileges or concessions granted under section thirty-two of said Act shall be approved by the President of the United States, and no such franchise, privilege, or concession shall be operative until it shall have been so approved.

SECTION 3.—That all franchises, privileges or concessions granted under section thirty-two of said Act shall provide that the same shall be subject to amendment, alteration, or repeal; shall forbid the issue of stock or bonds, except in exchange for actual cash, or property at a fair valuation, equal in amount to the par value of the stock or bonds issued; shall forbid the declaring of stock or bond dividends; and, in the case of public-service corporations, shall provide for the effective regulation of the charges thereof and for the purchase or taking by the public authorities of their property at a fair and reasonable valuation. No corporation shall be authorized to conduct the business of buying and selling real estate or be permitted to hold or own real estate except such as may be reasonably necessary to enable it to carry out the purposes for which it was created, and every corporation hereafter authorized to engage in agriculture shall by its charter be restricted to the ownership and control of not to exceed five hundred acres of land; and this provision shall be held to prevent any member of a corporation engaged in agriculture from being in any wise interested in any other corporation engaged in agriculture. Corporations, however, may loan funds upon real estate security, and purchase

real estate when necessary for the collection of loans, but they shall dispose of real estate so obtained within five years after receiving the title. Corporations not organized in Porto Rico, and doing business therein, shall be bound by the provisions of this section so far as they are applicable.

Approved, May 1, 1900.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TEMPORARILY TO PROVIDE REVENUES AND A CIVIL GOVERNMENT FOR PORTO RICO, AND FOR OTHER PURPOSES," APPROVED APRIL TWELFTH, NINETEEN HUNDRED, AN TO INCREASE THE SALARY OF THE COMMISSIONER OF EDUCATION PROVIDED FOR BY SAID ACT.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

SECTION 1.—That the salary of the commissioner of education for Porto Rico shall, from and after the first day of April, nineteen hundred and one, be four thousand dollars per annum, and in addition to the duties provided by section thirty-six of the Act of April twelfth, nineteen hundred, the executive council shall, from time to time, determine the salaries of all officials and assistants, appointed by the United States district court, including the clerk and the interpreter, which shall be paid out of the revenues of Porto Rico as other salaries and expenses of like character are paid under the provisions of said Act.

SECTION 2.—That such fees and expenses as are payable by the United States, if earned or incurred in connection with circuit or district court of the United States, shall be paid from the revenues of Porto Rico,

if earned or incurred in connection with the district court of the United States for Porto Rico. That all such fees, fines, costs, and forfeitures as would be deposited to the credit of the United States, if collected and paid into circuit or district court of the United States shall become revenues of Porto Rico, if collected and paid into the district court of the United States for Porto Rico. The commissioners appointed, as provided in section thirty-four of said act approved April twelfth, nineteen hundred, shall be entitled to the fees provided for United States commissioners: Provided, That payments of fees and expenses, heretofore made in good faith by the United States district marshal, either from funds advanced to him by the United States or by Porto Rico, may be allowed by the accounting officers of the United States or the accounting officers of Porto Rico, as the case may be, in the settlement of his accounts.

SECTION 3.—That the jurisdiction of the district court of the United States for Porto Rico in civil cases shall, in addition to that conferred by the Act of April twelfth, nineteen hundred, extend to and embrace controversies where the parties or either of them, are citizens of the United States, or citizens or subjects of a foreign State or States, wherein the matter in dispute exceeds exclusive of interest or costs, the sum or value of one thousand dollars.

SECTION 4.—That jurors and witnesses in the United States district court of Porto Rico shall be entitled to and receive fifteen cents for each mile necessarily traveled over any stage line or by private conveyance and ten cents for each mile over any railway in going to and returning from said courts: *Provided*, That no constructive or double mileage fees shall be allowed by reason

real estate when necessary for the collection of loans, but they shall dispose of real estate so obtained within five years after receiving the title. Corporations not organized in Porto Rico, and doing business therein, shall be bound by the provisions of this section so far as they are applicable.

Approved, May 1, 1900.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TEMPORARILY TO PROVIDE REVENUES AND A CIVIL GOVERNMENT FOR PORTO RICO, AND FOR OTHER PURPOSES," APPROVED APRIL TWELFTH, NINETEEN HUNDRED, AN TO INCREASE THE SALARY OF THE COMMISSIONER OF EDUCATION PROVIDED FOR BY SAID ACT.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

SECTION 1.—That the salary of the commissioner of education for Porto Rico shall, from and after the first day of April, nineteen hundred and one, be four thousand dollars per annum, and in addition to the duties provided by section thirty-six of the Act of April twelfth, nineteen hundred, the executive council shall, from time to time, determine the salaries of all officials and assistants, appointed by the United States district court, including the clerk and the interpreter, which shall be paid out of the revenues of Porto Rico as other salaries and expenses of like character are paid under the provisions of said Act.

SECTION 2.—That such fees and expenses as are payable by the United States, if earned or incurred in connection with circuit or district court of the United States, shall be paid from the revenues of Porto Rico,

if earned or incurred in connection with the district court of the United States for Porto Rico. That all such fees, fines, costs, and forfeitures as would be deposited to the credit of the United States, if collected and paid into circuit or district court of the United States shall become revenues of Porto Rico, if collected and paid into the district court of the United States for Porto Rico. The commissioners appointed, as provided in section thirty-four of said act approved April twelfth, nineteen hundred, shall be entitled to the fees provided for United States commissioners: Provided, That payments of fees and expenses, heretofore made in good faith by the United States district marshal, either from funds advanced to him by the United States or by Porto Rico, may be allowed by the accounting officers of the United States or the accounting officers of Porto Rico, as the case may be, in the settlement of his accounts.

SECTION 3.—That the jurisdiction of the district court of the United States for Porto Rico in civil cases shall, in addition to that conferred by the Act of April twelfth, nineteen hundred, extend to and embrace controversies where the parties or either of them, are citizens of the United States, or citizens or subjects of a foreign State or States, wherein the matter in dispute exceeds exclusive of interest or costs, the sum or value of one thousand dollars.

SECTION 4.—That jurors and witnesses in the United States district court of Porto Rico shall be entitled to and receive fifteen cents for each mile necessarily traveled over any stage line or by private conveyance and ten cents for each mile over any railway in going to and returning from said courts: *Provided*, That no constructive or double mileage fees shall be allowed by reason

of any person being summoned both as witness and juror, or as witness in two or more cases pending in the same court and triable at the same term thereof.

Approved, March 2, 1901.

CONGRESSIONAL ACT

RETURNING PORTO RICAN REVENUES.

CHAP. 91.—An Act Appropriating, for the benefit and government of Porto Rico, revenues collected on importations therefrom since its evacuation by Spain, and revenues hereafter collected on such importations under existing law.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

That the sum of two million and ninety-five thousand four hundred and fifty-five dollars and eighty-eight cents, being the amount of customs revenue received on importations by the United States from Porto Rico since the evacuation of Porto Rico by the Spanish forces on the eighteenth of October, eighteen hundred and ninety-eight, to the first of January, nineteen hundred, together with any further customs revenue collected on importations from Porto Rico since the first of January, nineteen hundred, or that shall hereafter be collected under existing law, shall be placed at the disposal of the President, to be used for the government now existing and which may hereafter be established in Porto Rico, and for the aid and relief of the people thereof, and for public education, public works, and other governmental and public purposes therein until otherwise provided by law; and the rev-

enues herein referred to, already collected and to be collected under existing law, are hereby appropriated for the purposes herein specified, out of any moneys in the Treasury not otherwise appropriated.

Approved, March 24, 1900.

LEGISLATIVE ASSEMBLY OF PORTO RICO.

EXTRAORDINARY SESSION.

July 4th 1901.

A JOINT RESOLUTION OF THE LEGISLATIVE ASSEMBLY OF PORTO RICO, NOTIFYING THE PRESIDENT OF THE UNITED STATES THAT THE LEGISLATIVE ASSEMBLY OF PORTO RICO HAS ENACTED AND PUT INTO OPERATION A SYSTEM OF LOCAL TAXATION TO MEET THE NECESSITIES OF THE GOVERNMENT OF PORTO RICO, ESTABLISHED BY ACT OF CONGRESS, ENTITLED "AN ACT TEMPORARILY TO PROVIDE REVENUES AND A CIVIL GOVERNMENT FOR PORTO RICO, AND FOR OTHER PURPOSES," DULY APPROVED APRIL 12TH, 1900.

Be it resolved by the Legislative Assembly of Porto Rico:

WHEREAS: A civil government for Porto Rico has been fully and completely organized in accordance with the provisions of an Act of Congress entitled "An Act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes", duly approved April 12th., 1900, and:

WHEREAS: It was provided by the terms of said Act of Congress, that whenever the Legislative Assembly of Porto Rico shall have enacted and put into operation a system of local taxation to meet the necessities of the Government of Porto Rico, by the aforesaid Act

established, and shall by resolution duly passed so notify the President, he shall make proclamation thereof, and thereupon all tariff duties on merchandise and articles going into Porto Rico from the United States, or coming into the United States from Porto Rico shall cease, and from and after such date all such merchandise and articles shall be entered at the several ports of entry free of duty:

NOW THEREFORE: The Legislative Assembly of Porto Rico, in extraordinary session duly called by the Governor and held at San Juan, the Capital, on July fourth, A. D., 1901, acting pursuant to the authority and power in it vested by the provisions of the said Act of Congress above referred to, does hereby notify the President of the United States that by virtue of an Act of the Legislative Assembly of Porto Rico, entitled "An Act to provide revenue for the people of Porto Rico, and for other purposes", duly approved January 31st., A. D., 1901, and of other acts of the Legislative Assembly of Porto Rico, duly held at San Juan, Porto Rico, commencing December 3rd., 1900, and ending January 31st., A. D., 1901, it has enacted and put into operation a system of local taxation to meet the necessities of the Government of Porto Rico, by the aforesaid Act of Congress established.

THE LEGISLATIVE ASSEMBLY OF PORTO RICO hereby directs that a copy of this joint resolution be presented to the President of the United States, and hereby requests the Governor of Porto Rico to deliver the same to the President, to the end that proclamation may be made by him according to the provisions of the said Act of Congress, and if it shall seem wise and proper to the President, that such proclamation may issue on the twenty-fifth day of July, the said day being a

legally established holiday in Porto Rico commemorating the anniversary of the coming of the American flag to the Island.

Approved, July 4th, 1901.

PROCLAMATION

OF THE

PRESIDENT OF THE UNITED STATES

DECLARING THE ESTABLISHMENT OF CIVIL GOVERNMENT
IN THE ISLAND OF PORTO RICO.

EXECUTIVE MANSION.

San Juan, P. R., July 25, 1901.

The following Proclamation has this day been issued by the President of the United States, to wit:

PROCLAMATION.

WHEREAS: By an act of Congress approved April twelve, nineteen hundred, entitled "An act temporarily to provide revenues and a civil government for Porto Rico and for other purposes" it was provided that "Whenever the Legislative Assembly of Porto Rico shall have enacted and put into operation a system of local taxation to meet the necessities of the Government of Porto Rico, by this act established and shall by resolutions duly passed so notify the President he shall make proclamation thereof and thereupon all tariff duties on merchandise and articles going into Porto Rico from the United States or coming into the United States from Porto Rico shall cease and from and after such date all such merchandise and articles shall be entered at the several ports of entry free of duty" and

WHEREAS: By the same act it was provided "That

as soon as a civil government for Porto Rico shall have been organized in accordance with the provisions of this act and notice thereof shall have been given to the President he shall make proclamation thereof and thereafter all collections of duties and taxes in Porto Rico under the provisions of this act shall be paid into the Treasury of Porto Rico to be expended as required by law for the government and benefit thereof instead of being paid into the Treasury of the United States" and

WHEREAS: The Legislative Assembly of Porto Rico has enacted and put into operation a system of local taxation to meet the necessities of the government of Porto Rico as aforesaid, and has passed and caused to be communicated to me the following resolution :

A JOINT RESOLUTION of the Legislative Assembly of Porto Rico, notifying the President of the United States that the Legislative Assembly of Porto Rico has enacted and put into operation a system of local taxation to meet the necessities of the Government of Porto Rico, established by act of Congress, entitled "An act temporarily to provide revenues and a Civil Government for Porto Rico, and for other purposes", duly approved April twelve, nineteen hundred.

BE IT RESOLVED by the Legislative Assembly of Porto Rico:

WHEREAS: A civil government for Porto Rico has been fully and completely organized in accordance with the provisions of an act of Congress entitled "An Act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes", duly approved April twelve, nineteen hundred, and:

WHEREAS: It was provided by the terms of said act of Congress, that whenever the Legislative Assembly of Porto Rico shall have enacted and put into

operation a system of local taxation to meet the necessities of the Government of Porto Rico, by the aforesaid act established, and shall by resolution duly passed so notify the President, he shall make proclamation thereof, and thereupon all tariff duties on merchandise and articles going into Porto Rico from the United States, or coming into the United States from Porto Rico shall cease, and from and after such date all such merchandise and articles shall be entered at the several ports of entry free of duty.

NOW THEREFORE: The Legislative Assembly of Porto Rico, in extraordinary session duly called by the Governor, and held at San Juan the Capital, on July fourth, A. D., nineteen hundred and one, acting pursuant to the authority and power in it vested by the provisions of the said act of Congress above referred to, does hereby notify the President of the United States that by virtue of an act of the Legislative Assembly of Porto Rico, entitled "An Act to provide revenue for the people of Porto Rico, and for other purposes," duly approved January thirty-first, A. D., nineteen hundred and one, and of other acts of the Legislative Assembly duly enacted at the first session of the Legislative Assembly of Porto Rico, duly held at San Juan, Porto Rico, commencing December third, nineteen hundred, and ending January thirty-first, A. D., nineteen hundred and one, it has enacted and put into operation a system of local taxation to meet the necessities of the Government of Porto Rico, by the aforesaid act of Congress established.

THE LEGISLATIVE ASSEMBLY OF PORTO RICO hereby directs that a copy of this joint resolution be presented to the President of the United States, and hereby requests the Governor of Porto Rico to deliver the same to the President, to the end that proclamation

may be made by him according to the provisions of the said act of Congress, and if it shall seem wise and proper to the President, that such proclamation may issue on the twenty-fifth day of July the said day being a legally established holiday in Porto Rico commemorating the anniversary of the coming of the American flag to the island.

(Signed) WILLIAM H. HUNT,
Pres. of the Executive Council.

(Signed) MAN'L F. ROSSY,
Speaker of House of Delegates.

Approved, July 4th, 1901.

(Signed) CHAS. H. ALLEN,
Governor.

NOW THEREFORE: I, William McKinley, President of the United States, in pursuance of the provisions of law above quoted and upon the foregoing due notification do hereby issue this my proclamation, and do declare and make known that a civil government for Porto Rico has been organized in accordance with the provisions of the said act of Congress.

And I do further declare and make known that the Legislative Assembly of Porto Rico has enacted and put into operation a system of local taxation to meet the necessities of the government of Porto Rico. In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this twenty-fifth day of July, in the year of our Lord one thousand nine hundred and one and of the Independence of the United States the one hundred and twenty sixth.

WILLIAM McKINLEY.

(Seal)

By the President,

DAVID J. HILL.

Acting Secretary of State.

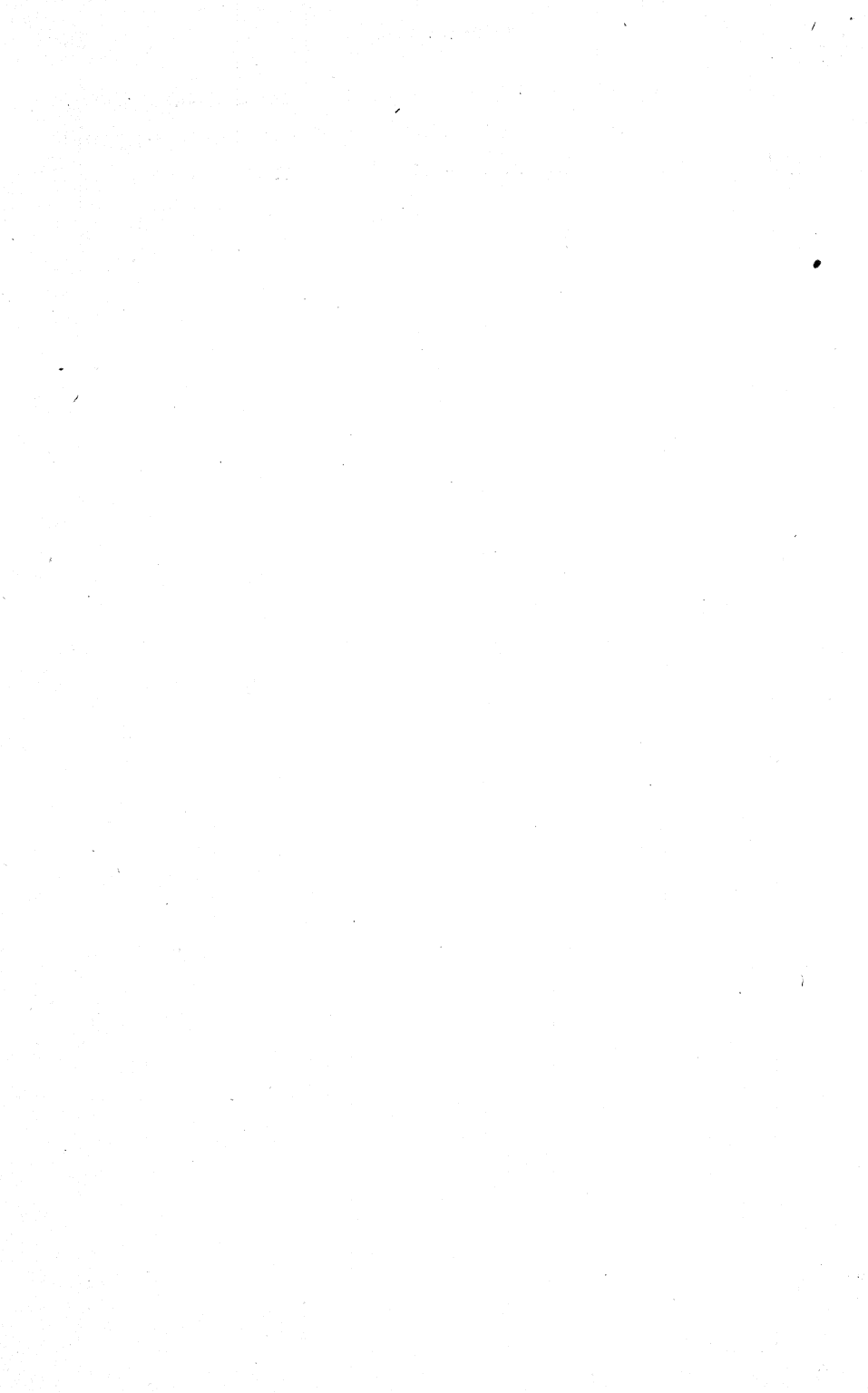
Governor Allen extends his congratulations to the People of Porto Rico upon the happening of this great event, in which congratulations I cordially concur.

WILLIAM H. HUNT.

By the Acting Governor,

J. H. McLEARY

Acting Secretary.



REVISED STATUTES.



AN ACT

RESTRICTING AND LIMITING THE AUTHORITY OF THE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS UNDER GENERAL ORDERS NO. 122, OF AUGUST 17, 1899, AND OTHER SOCIETIES OF LIKE CHARACTER.

Be it enacted by the Legislative Assembly of Porto Rico :

SECTION 1.—(1)—That so much of General Orders No. 122, of August 17, 1899, as authorizes the Society for the Prevention of Cruelty to Animals, in said order named, to impose and collect fines, is hereby repealed, and hereafter such fines shall be collected only by the proper courts, upon complaint made in due form of law.

SECTION 2.—(2)—That, hereafter the said Society for the Prevention of Cruelty to Animals, and all other societies of like character and purpose, which have been or may hereafter be organized under the laws of Porto Rico, shall have no authority or power to impose and collect fines for the violation of any rules, regulations, orders or laws, relating to cruelty to animals, but the authority of such societies, in cases of such violation shall be restricted to making complaint to the proper court.

SECTION 3.—(3)—That all laws, decrees, orders, rules and regulations in conflict with the provisions of this act, be, and the same are, hereby repealed.

Approved, January 30, 1901.

AN ACT

PROVIDING FOR THE PAYMENT OF THE VALUE OF ANIMALS FOUND TO BE SUFFERING FROM GLANDERS AND WHICH ARE ORDERED TO BE KILLED.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(4)—Paragraph 7, of General Orders 221, Series of 1899, by which the ayuntamientos are compelled to pay from their treasuries two-thirds of the value of the appraisement made on cattle which must be killed because of being found to be suffering from glanders, anthrax, rabies or tuberculosis, is hereby repealed.

SECTION 2.—(5)—All laws, or part of laws in conflict with this Act are hereby repealed.

SECTION 3.—(6)—This Act shall take effect from and after its passage.

Approved, February 28, 1902.

AN ACT

TO MODIFY PARAGRAPH 6 OF GENERAL ORDER NO. 78; OF APRIL 10TH, SERIES OF 1900.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(7)—Paragraph 6 of General Order No. 78, of April 10th, series of 1900, is hereby modified to read as follows:

“Butchers may present for slaughter cattle of either sex, provided: That fifty (50) per cent. of the cattle slaughtered may be females, and that the same be not over six months pregnant.”

SECTION 2.—(8)—All laws or orders, or parts of laws or orders in conflict with this Act are hereby repealed.

SECTION 3.—(9)—This Act shall take effect from and after its passage.

Approved, March 1, 1902.

AN ACT

TO REGULATE THE SLAUGHTER OF FOOD ANIMALS AND THE SALE
OF FRESH MEAT.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(10)—The killing of animals for food and the sale of their flesh in each municipality of the island shall be subject to the inspection of the local authorities, who shall see that the provisions of this Act are complied with. For the use of the municipal slaughter houses and the occupation of stands in municipal markets, charges, which shall also cover the inspection charges, may be levied and collected according to rates established in the budget of each municipality. Slaughter houses and market stands of private ownership shall be entirely free from municipal restrictions or taxes or imposts other than general taxes and imposts except that they may be subject to municipal inspection for the purpose of enforcing compliance with the provisions of this Act, for which inspection reasonable fees not to exceed one dollar for each head of bovine cattle or fifty cents for any other animal, may be fixed in the municipal budgets. Each municipality shall have at least one inspector, who may be the municipal physician, and whose duty it shall be to see that the provisions of this law are enforced, examine all animals offered for slaughter with the intention of exposing the meat to public sale, inspect slaughtering operations, markets, market stands, and all places where fresh meat is exposed for

sale, and see that diseased animals and condemned meat are destroyed. Appeals against the ruling of local inspectors in the matter of the fitness or otherwise of animals for slaughter and food shall lie to the Superior Board of Health whose decision therein shall be final.

SECTION 2.—(11)—No slaughter house shall be constructed within the outskirts of any town or village, or within one hundred (100) metres of an inhabited building, or in a location such that the free circulation of air is interrupted or interfered with. Slaughter houses must be provided with a pavement of brick or tile or cement, so inclined as to facilitate the drainage of refuse matter, and must be provided with proper drains. They must also be supplied with abundant running water, and with a trough from which the animals intended for slaughter shall be watered twice daily. They must also be provided with a shed for the shelter of the stock to be slaughtered. Persons engaged in the slaughter of animals and the handling of meat shall be free from communicable disease and shall be subject in that regard to the official inspection. While engaged in the slaughtering or handling of meat, they shall wear clean clothing, other than that worn by them at their homes, or in going and returning to and from the slaughter house. Offal and fat shall not be rendered in the same building as the slaughter house, or within one hundred (100) metres thereof. No animal shall be slaughtered unless it has been inspected not more than twenty-four, (24) and less than six (6) hours before killing, and animals intended for slaughter must be provided with food and water at least once in the twenty-four (24) hours preceding the killing. The blowing of slaughtered animals to facilitate the skinning of the carcass is forbidden. Offal or refuse from the slaughter house

shall not be fed to any animal or fowl intended for slaughter or consumption. The slaughter of animals shall take place between the hours of four (4) and eight (8) in the afternoon, except when special permission to slaughter at other hours is granted by the local inspector, in accordance with rules prescribed by the Superior Board of Health.

SECTION 3.—(12)—No animal shall be slaughtered for consumption in any municipality until it has first been inspected and passed by the municipal inspector. No fowl or other animal which has been allowed the run of cesspools or latrines or allowed to feed thereat, shall be passed by the inspector, nor any diseased animal, nor any animal which has not been treated in a humane manner while en route to the slaughter house; but any animal which it becomes necessary to kill as the result of an accident may be passed by slaughtering by the inspector, provided that the flesh of said animal will not be unfit for consumption if slaughtered. Oxen may be passed for slaughter provided that they are fat and bear no indications of having suffered from any disease rendering their flesh unfit for consumption.

SECTION 4.—(13)—No meat shall be exposed for sale within three hours after the killing thereof in any municipality of the island. No meat shall be exposed for sale which has not been conveyed from the slaughter house by such means and with such precautions as to exclude dust, insects and other causes of contamination. Markets, market stands and meat shops must be kept in a clean and sanitary condition and so that live fowls and animals shall not have access to the same. Meat, fish and the flesh of fowls exposed for sale, must be protected from contamination by dirt, dust, insects and other causes of pollution.

SECTION 5.—(14)—All meat or fish or parts of carcasses condemned as unfit for food shall be destroyed by saturating with coal oil and burning the same in the presence of a municipal inspector. The carcass of any food animal which has died as the result of disease shall be destroyed by cremation in the same manner.

SECTION 6.—(15)—No meat shall be offered for sale in any municipality unless it be accompanied by a certificate issued at the slaughter house that the animal has passed inspection as fit for slaughter and that its meat has been inspected and is fit for consumption. No fresh meat shall be offered for sale in any municipality other than that in which it is slaughtered until the slaughter house certificate has been examined by the inspector of the municipality where the meat is offered for sale, and unless such meat is newly inspected and pronounced fit for consumption by the local inspector, for which inspection fees may be charged at rates not to exceed those specified in Section 1 of this Act.

SECTION 7.—(16)—The police judge of the municipality in which the slaughter house or the market, market stand, or meat shop is situated shall have jurisdiction of offenses against this Act. The violation of any of the provisions of this Act, shall be punished by a fine of from five to fifteen dollars, or by imprisonment not exceeding thirty days, or both, in the discretion of the police judge.

SECTION 8.—(17)—All laws, orders, and decrees, or parts thereof, in conflict with the provisions of this Act, are hereby repealed.

SECTION 9.—(18)—This Act shall take effect from and after July first, nineteen hundred and two.

Approved, March 1, 1902

AN ACT

TO PREVENT CRUELTY TO ANIMALS.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(19)—Any person who shall overdrive, torture, cruelly beat or unjustifiably injure, maim or mutilate any animal, whether wild or tame, and whether belonging to himself or to another, or who deprives any animal of necessary sustenance, food or drink, or neglects or refuses to furnish it such sustenance or drink or causes, procures or permits any animal to be overdriven, tortured, cruelly beaten or unjustifiably injured, maimed or mutilated, or to be deprived of necessary food or drink, or who wilfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal, or any act tending to produce such cruelty, shall be fined in a sum not exceeding fifty dollars or imprisonment for a term not exceeding thirty days, or both penalties in the discretion of the court.

SECTION 2.—(20)—Any person being the owner or possessor, or having charge or custody of a maimed, diseased, or disabled animal, who abandons such animal or leaves it to die in a street or public place, or who allows it to lie in a public street or public place more than three hours after he receives notice that it is so disabled shall be punished by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment in the discretion of the court.

SECTION 3.—(21)—Any person who having impounded or confined any animal, refuses or neglects to supply to any such animal during such confinement, necessary food and water for its sustenance, shall be

punished by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days, or by both penalties in the discretion of the court.

SECTION 4.—(22)—Any person who carries, or causes to be carried in or upon any vessel or vehicle or otherwise, any animal in a cruel or inhuman manner, or so as to produce torture, shall be punished by a fine not exceeding fifty dollars or by imprisonment not exceeding thirty days or by both penalties in the discretion of the court.

SECTION 5.—(23)—Any person who sets on foot, instigates, promotes or carries on, or does any act as assistant, umpire or principal, or in any way aids in or engages in the furtherance of any fight between cocks or other birds, or dogs, bulls or other animals, premeditated by any person owning or having custody of such birds or animals, shall be punished by a fine not exceeding fifty dollars or by imprisonment not exceeding thirty days, or by both penalties in the discretion of the court. Any person who shall be found guilty of any violation of the provisions of this Act, shall be punished by a fine not exceeding fifty (50) dollars or by imprisonment in jail not exceeding thirty (30) days, or by both such fine and imprisonment in the discretion of the court.

SECTION 6.—(24)—The possession by any driver or person in charge, custody or control of any horse, horses or oxen, of any pointed rod, pointed iron gad or instrument designed for use in driving, or prodding such horse, horses or oxen, or any instrument the use of which would be calculated to torture or maltreat any such horse, horses or oxen, shall be presumptive evidence of guilt on the part of such driver or other person having such charge, custody or control of such horse,

horses or oxen, and shall constitute prima facie cause for the conviction of such person under the terms of this Act, upon the trial of such person.

SECTION 7.—(25)—The officers and members of the insular police force, and all other peace officers are hereby directed to carry out the provisions of this Act and to cause the prompt arrest and prosecution of every case within the terms of this Act which shall be witnessed by such officers, or which shall be called to the attention of such officer by any reputable citizen or person, and any officer aforesaid who shall fail or neglect to enforce the provisions of this Act, when the violation thereof has been committed in the sight of such officer, or when a violation thereof has been called to the attention of such officer by any reputable person, shall, upon proof of such neglect, be removed from office or dismissed from the position which he shall hold.

SECTION 8.—(26)—When any fine shall have been imposed and collected by any court, pursuant to the provisions of this Act, upon complaint, duly proven, made by any agent of any society for the prevention of cruelty to animals, organized in accordance with law, the amount of such fine shall be turned over by the judge to the respective society and such funds shall be devoted to the lawful purposes of said society.

SECTION 9.—(27)—This Act shall be in force and take effect from and after its passage.

Approved, March 1, 1902.

AN ACT

MAKING APPROPRIATIONS FOR THE NECESSARY EXPENSES OF CARRYING ON THE GOVERNMENT OF PORTO RICO, FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND THREE, AND FOR OTHER PURPOSES.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(28)—That the following sums be and the same are hereby, appropriated out of any money in the treasury not otherwise appropriated in full compensation for the services of the fiscal year ending June thirtieth, nineteen hundred and three, for the objects hereinafter expressed, namely:

LEGISLATIVE.

LEGISLATIVE ASSEMBLY OF PORTO RICO.

Salaries, Executive Council: For five Members, three thousand dollars per annum each; Chief Clerk, two thousand dollars per annum; translator, two thousand two hundred dollars per annum; assistant clerk, one thousand six hundred dollars per annum; messenger, three hundred and sixty dollars per annum; for temporary employees during the session of the Legislative Assembly: Sergeant-at-arms, for sixty days, at five dollars per day; journal clerk, for sixty days, at four dollars per day; four committee clerks, for sixty days, at four dollars per day each; for translation, one thousand two hundred dollars, or so much thereof as may be necessary; for enrolling, two thousand dollars, or so much thereof as may be necessary; in all, twenty six thousand eight hundred and sixty dollars.

Contingent Expenses, Executive Council: For legislative printing, two thousand five hundred dollars; for

incidental expenses, two thousand five hundred dollars; in all, five thousand dollars.

Printing and Publication of Laws: For printing and binding the laws of Porto Rico, including the Annual Register, to be expended by the disbursing officer of the Legislative Assembly under the direction of the Secretary of Porto Rico, upon the approval and authority of the Executive Council, three thousand dollars.

Expenses of Election in Porto Rico: For expenses of the general election to be held in Porto Rico in November, 1902, to be expended by the disbursing officer of the Legislative Assembly under direction of the President of the Executive Council, upon the approval and authority of the Council, thirty thousand dollars, or so much thereof as may be necessary.

Salaries, House of Delegates: For thirty-five Members, for sixty days at five dollars per day each; secretary, one thousand eight hundred dollars per annum; interpreter and translator, one thousand eight hundred dollars per annum; sergeant-at-arms, one thousand dollars per annum; messenger, three hundred and sixty dollars per annum; for temporary employees during the session of the Legislative Assembly: Assistant clerk during legislative session three hundred and fifty dollars; engrossing clerk during legislative session, two hundred and eighty dollars; four typewriters, during legislative session, two hundred and ten dollars each; four typewriters for the use of the committees and for other purposes during the legislative session, one hundred and eighty dollars each; three translators during the legislative session, three hundred and fifty dollars each; one janitor during the legislative session, one hundred and five dollars; one messenger during the legislative session, seventy dollars;

in all, eighteen thousand eight hundred and seventy five dollars.

Contingent Expenses, House of Delegates: For legislative printing, two thousand four hundred dollars; for incidental expenses, eight hundred dollars; for purchase of books for library, furniture and equipment, one thousand dollars; for mileage of Members, one thousand dollars; in all, five thousand two hundred dollars.

EXECUTIVE.

OFFICE OF THE GOVERNOR.

Salaries, Office of the Governor: For the Governor, eight thousand dollars; for private secretary to the Governor, one thousand eight hundred dollars; for stenographer and typewriter, one thousand five hundred dollars; for messenger, five hundred and forty dollars; in all, eleven thousand, eight hundred and forty dollars.

Contingent Expenses, Office of the Governor: For blank books, stationery, furniture, office supplies, cablegrams and necessary incidental expenses, one thousand five hundred dollars.

INSULAR POLICE.

Salaries, Insular Police: For the Chief, two thousand five hundred dollars; the assistant chief and captain, one thousand six hundred dollars; four captains, at one thousand five hundred dollars each; one first lieutenant and adjutant, one thousand dollars; one first lieutenant and paymaster, one thousand two hundred dollars; five first lieutenants, at one thousand dollars each; five second lieutenants at nine hundred dollars each; one second lieutenant and bandmaster, nine hundred dollars; twelve sergeants, at six hundred dollars each; seventy

corporals, at four hundred and eighty dollars each; one hundred and twenty-five privates, mounted, at four hundred and twenty dollars each; four hundred and fifty privates, at three hundred and sixty dollars each; in all, two hundred and seventy-eight thousand dollars.

Contingent Expenses, Insular Police: For transportation, two thousand dollars; stabling and keeping of horses, eight hundred dollars; rent of quarters, seven thousand dollars; furniture and repairs to same, one thousand dollars; postage for official correspondence, five hundred dollars; incidentals, one thousand five hundred dollars; in all, twelve thousand eight hundred dollars.

OFFICE OF THE SECRETARY OF PORTO RICO.

Salaries, Office of the Secretary: For the Secretary, four thousand dollars; the Assistant Secretary, two thousand five hundred dollars; Chief Clerk, two thousand dollars; one clerk, one thousand eight hundred dollars; two clerks, at one thousand six hundred dollars each; three clerks, at one thousand four hundred dollars each; five clerks, at one thousand two hundred dollars each; three clerks, at one thousand dollars each; one clerk, nine hundred dollars; one clerk, seven hundred and twenty dollars; two messengers, at three hundred and sixty dollars each; in all, twenty-nine thousand and forty dollars.

Contingent Expenses, Office of the Secretary: For blank books, stationery, furniture, office supplies, cablegrams and necessary incidental expenses, three thousand dollars.

OFFICE OF THE ATTORNEY GENERAL.

Salaries, Office of the Attorney General: For the Attorney General, four thousand dollars; Fiscal for the Supreme Court, three thousand dollars; Assistant Attorney General, two thousand five hundred dollars; Chief Clerk and disbursing officer, two thousand dollars; interpreter and translator, one thousand five hundred dollars; two stenographers at one thousand four hundred dollars each; one stenographer, one thousand two hundred dollars; one attorney for Superior Board of Health cases, one thousand two hundred dollars; one law clerk, one thousand two hundred dollars; one clerk, one thousand, dollars; one clerk, eight hundred dollars; two clerks at seven hundred and twenty dollars each; one janitor, three hundred and sixty dollars; two messengers at three hundred and sixty dollars each; in all, twenty-three thousand seven hundred and twenty dollars.

Contingent Expenses, Office of the Attorney General: For blank books, stationery, office supplies, cablegrams, and incidental expenses, six hundred and fifty dollars; purchase of law books, one thousand dollars; purchase of law book cases, furniture and typewriting machines, five hundred dollars; in all, two thousand one hundred and fifty dollars.

OFFICE OF THE DIRECTOR OF PRISONS.

Salaries, Office of the Director: For the Director of Prisons, two thousand four hundred dollars; Chief Clerk, book-keeper and disbursing officer, one thousand five hundred dollars; clerk and translator, nine hundred dollars; messenger, three hundred and sixty dollars; in all, five thousand one hundred and sixty dollars.

Contingent Expenses, Office of the Director: For

travelling expenses, four hundred dollars; transportation of prisoners, nine hundred dollars; incidental expenses including furniture, ice, telephone, and office supplies, five hundred dollars; in all, one thousand eight hundred dollars.

Salaries, Penitentiary: For the Warden, one thousand eight hundred dollars; Deputy Warden, one thousand two hundred dollars; store-keeper, six hundred dollars; physician, six hundred dollars; druggist, four hundred and eighty dollars; school teacher, three hundred and sixty dollars; book-keeper, six hundred dollars; master shoemaker, seven hundred and twenty dollars; master tailor, seven hundred and twenty dollars; master hatter, four hundred and eighty dollars; master carpenter, seven hundred and twenty dollars; barber, three hundred dollars; chief turnkey, six hundred dollars; two turnkeys at three hundred and sixty dollars each; four prison corporals at one dollar per month each; thirty corporals at fifty cents per month each; in all ten thousand one hundred and twenty eight dollars.

Contingent Expenses, Penitentiary: For food for five hundred and fifty prisoners, at fourteen cents per day, including special diet for sick, twenty eight thousand one hundred and five dollars; clothing for eight hundred men, six thousand nine hundred and seventy-six dollars; saving fund, one thousand two hundred dollars; medical supplies, one thousand nine hundred dollars; purchase of raw material for manufacturing articles for sale, four thousand dollars; fuel, one thousand seven hundred and fifty dollars; miscellaneous incidentals, including furniture and lighting, four thousand nine hundred and fifty dollars; for purchase of tools of all kinds, machines, apparatus for the use of the various industrial establishments and photographic supplies two

thousand five hundred dollars; in all, fifty-one thousand three hundred and eighty-one dollars.

Salaries, San Juan Jail: For the jailor, one thousand dollars; assistant jailor, four hundred and eighty dollars; female turnkey, three hundred and sixty dollars; physician, four hundred and eighty dollars; practicante, three hundred and sixty dollars; barber, thirty-six dollars; two male turnkeys at three hundred and sixty dollars each; in all, three thousand four hundred and thirty six dollars.

Contingent Expenses, San Juan Jail: For food for one hundred and eighty three prisoners, at fourteen cents per day, nine thousand three hundred and fifty-one dollars and thirty cents; medical supplies, one thousand two hundred dollars; lighting, five hundred and fifty dollars; furniture for infirmary, one hundred dollars; for lumber, cement, brick, paint, lime, rent of telephone, flags, oil, soap, brooms, office supplies and incidental expenses, two thousand four hundred dollars; in all, thirteen thousand six hundred and one dollars and thirty cents.

Salaries, Ponce Jail: For the jailor, seven hundred and twenty dollars; physician, three hundred and sixty dollars; practicante, three hundred and sixty dollars; two turnkeys at three hundred and sixty dollars each; barber thirty-six dollars; in all, two thousand one hundred and ninety-six dollars.

Contingent Expenses, Ponce Jail: For food for one hundred and twenty-five prisoners at fourteen cents per day, six thousand three hundred and eighty-seven dollars and fifty cents; rent of building, six hundred dollars; medical supplies, three hundred dollars; furniture, fifty dollars; lighting, two hundred and forty dollars; incidental expenses, six hundred and ten dollars; in all,

eight thousand one hundred and eighty-seven dollars and fifty cents.

Salaries, Mayaguez Jail: For the jailor, seven hundred and twenty dollars; physician, three hundred and sixty dollars; practicante, three hundred dollars; two turnkeys at three hundred and sixty dollars each; barber, thirty-six dollars; in all, two thousand one hundred and thirty-six dollars.

Contingent Expenses, Mayaguez Jail: For food for one hundred prisoners at fourteen cents per day five thousand one hundred and ten dollars; rent of building, seven hundred and twenty dollars; medical supplies, three hundred dollars; furniture, fifty dollars; lighting, two hundred and forty dollars; for lumber, cement, brick, paint, brooms, electric light, flags, oil, office supplies and incidental expenses, six hundred and ten dollars; in all, seven thousand and thirty dollars.

Salaries, Humacao Jail: For the jailor, six hundred dollars; physician, three hundred and sixty dollars; practicante, three hundred dollars; two turnkeys at three hundred and sixty dollars each; barber, thirty-six dollars; in all, two thousand and sixteen dollars.

Contingent Expenses, Humacao Jail: For food for seventy prisoners at fourteen cents per day, three thousand five hundred and seventy-seven dollars; medical supplies, two hundred and fifty dollars; rent of building five hundred dollars; lighting, one hundred dollars; furniture, fifty dollars; for lumber, cement, brick, lime, paint, brooms, light, flags, oil, office supplies and incidental expenses four hundred and fifty dollars; in all, four thousand nine hundred and twenty-seven dollars.

Salaries, Arecibo Jail: For the jailor, four hundred and eighty dollars; physician, one hundred and fifty dollars; in all, six hundred and thirty dollars.

Contingent Expenses, Arecibo Jail: For food for twenty prisoners at fourteen cents per day, one thousand and twenty-two dollars; rent of building, three hundred and thirty-six dollars; medical supplies, one hundred and twenty dollars; for lumber, cement, brick, paint, brooms, light, flags, oil, office supplies and incidental expenses, one hundred and twenty dollars; in all, one thousand five hundred and ninety-eight dollars.

OFFICE OF THE TREASURER.

Salaries, Office of the Treasurer: Treasurer's office proper: For the Treasurer, five thousand dollars; Assistant Treasurer, two thousand five hundred dollars; secretary and stenographer, one thousand five hundred dollars; financial and receiving clerk, who is hereby authorized to receive, deposit and account monthly for all miscellaneous and other receipts, which are not collected and accounted for by other officers of the insular government, including fees for licenses to carry arms, and who shall give bond in such amount as may be fixed by the Auditor, with sureties to be approved by the Treasurer, one thousand four hundred dollars; mail clerk, one thousand two hundred dollars, messenger, four hundred and eighty dollars; janitor, four hundred and eighty dollars.

Bureau of Accounts: For the Chief Clerk, two thousand dollars; one clerk at one thousand eight hundred dollars; one clerk at one thousand six hundred dollars; four clerks at one thousand four hundred dollars each; one travelling inspector at one thousand four hundred dollars; one travelling inspector at one thousand two hundred dollars; two clerks at one thousand two hundred dollars each; two clerks at one thousand dollars

each; three clerks at nine hundred dollars each; one clerk at seven hundred and twenty dollars; one messenger and copyist at four hundred and eighty dollars.

Bureau of Municipal Finance: For the Chief Clerk, two thousand dollars; one clerk at one thousand four hundred dollars; one clerk at one thousand two hundred dollars; one clerk at one thousand dollars; one travelling examiner at one thousand five hundred dollars; one travelling examiner at one thousand two hundred dollars.

Bureau of Internal Revenue, Including Inspection and Assessment: For the Chief Clerk, two thousand dollars, and additional amount for superintending assessments, two hundred dollars; one clerk at one thousand eight hundred dollars; one clerk at one thousand six hundred dollars; two clerks at one thousand four hundred dollars each; two clerks at one thousand two hundred dollars each; one clerk at one thousand dollars; two internal revenue agents at one thousand six hundred dollars each; eight internal revenue agents at one thousand four hundred dollars each; ten internal revenue agents at one thousand two hundred dollars each; three internal revenue agents at one thousand dollars each; messenger, four hundred and eighty dollars; in all eighty-four thousand four hundred and forty dollars.

Contingent Expenses, Office of the Treasurer: For furniture, travelling expenses, typewriters and incidental expenses, three thousand dollars; for printing of invoice books and other incidental expenses, including rental of quarters for temporary storage of contraband articles, three thousand dollars; for travelling expenses, inspectors of bureau of accounts, two thousand five hundred dollars; for travelling expenses, examiners of bureau of municipal finance, two thousand five hun-

dred dollars; for travelling expenses, internal revenue agents, fourteen thousand nine hundred and fifty dollars; for stabling, shoeing and care of horses for internal revenue agents, eight thousand two hundred and eighty dollars; for purchase of horses, saddles and bridles, for internal revenue agents, two thousand two hundred and ten dollars; in all, thirty-six thousand four hundred and forty dollars.

Salaries, Collectors and Deputy Collectors of Internal Revenue: For three Collectors at two thousand dollars each; three Collectors at one thousand five hundred dollars each; three Collectors at one thousand two hundred dollars each; five deputy collectors at nine hundred dollars each; six deputy collectors, at seven hundred and twenty dollars each; fifteen deputy collectors at six hundred dollars each; twenty-four deputy collectors at four hundred and eighty dollars each; one deputy collector at four hundred and twenty dollars; two clerks at nine hundred dollars each; two clerks at seven hundred and twenty dollars each; three clerks at six hundred dollars each; six clerks at four hundred and eighty dollars each; three messengers at three hundred dollars each; three messengers at two hundred and forty dollars each; three messengers at one hundred and twenty dollars each; in all, fifty-three thousand seven hundred and sixty dollars.

Contingent Expenses, Collectors and Deputy Collectors of Internal Revenue: For office rent for Collectors and deputy collectors, namely: For rent of five offices at one hundred and eighty dollars per annum each; for rent of two offices at one hundred and twenty dollars per annum each; for rent of forty-nine offices at sixty dollars per annum each; total, four thousand and eighty dollars. For office supplies, furniture and incidental

expenses for offices of Collectors and deputy collectors, as follows: For one office, two hundred and sixty dollars; for one office, two hundred and twenty dollars; for four offices, one hundred and twenty dollars each; for fifty-four offices, sixty dollars each; total, four thousand two hundred dollars. For the purchase of safes for use in the offices of Collectors and deputy collectors of internal revenue, three thousand seven hundred and eighty dollars; in all, twelve thousand and sixty dollars.

OFFICE OF THE AUDITOR.

Salaries, Office of the Auditor: For the Auditor, four thousand dollars; assistant auditor, two thousand five hundred dollars; chief clerk in charge of division of book-keeping, warrants and requisitions, two thousand dollars; chief clerk in charge of division of internal revenue accounts, two thousand dollars; chief clerk in charge of division of customs revenue accounts, two thousand dollars; chief clerk in charge of division of Treasurer's accounts, of depositaries for insular revenues, inspection of the offices of disbursing officers, and printing, stationery, and supplies, two thousand dollars; two clerks at one thousand six hundred dollars each, one of whom shall be authorized to inspect and examine the offices of disbursing officers of the insular government; two clerks at one thousand five hundred dollars each; one clerk at one thousand three hundred dollars; two clerks at one thousand two hundred dollars each; five clerks at one thousand one hundred dollars each; two clerks at one thousand dollars each; one messenger, four hundred and eighty dollars; janitor, four hundred and eighty dollars; in all thirty-two thousand eight hundred and sixty dollars.

Salaries, Printing and Supply Division: For the foreman, one thousand two hundred dollars; printer, one thousand dollars; printer's assistant, four hundred and eighty dollars; in all, two thousand six hundred and eighty dollars.

Contingent Expenses, Office of the Auditor: For blank books, stationery, furniture, office supplies, cablegrams and necessary incidental expenses, one thousand dollars.

Stationery and Supplies, Printing and Supply Division: For stationery supplies for the several bureaus, offices and departments of the government of Porto Rico, and necessary incidental expenses connected with the printing and supply division, twelve thousand dollars.

DEPARTMENT OF THE INTERIOR.

Salaries, Office of the Commissioner of the Interior: Commissioner's office proper: For the Commissioner, four thousand dollars; secretary and stenographer, one thousand eight hundred dollars; Chief Clerk, one thousand six hundred dollars; one clerk, at one thousand four hundred dollars; two clerks at one thousand two hundred dollars each; one clerk at one thousand dollars; one clerk at nine hundred dollars; one clerk at eight hundred dollars; one clerk, at six hundred dollars; one clerk at four hundred dollars; warden, Intendencia building, four hundred dollars; messenger, three hundred and sixty dollars; janitor, Intendencia building, three hundred and sixty dollars; bureau of agriculture and mines in charge of the Assistant Commissioner of the interior; for the Assistant Commissioner, two thousand five hundred dollars; one clerk and translator, one thou-

sand two hundred dollars; two clerks at nine hundred dollars each; one clerk at six hundred dollars; messenger, three hundred dollars; in all, twenty-two thousand four hundred and twenty dollars.

Contingent expenses, Office of the Commissioner of the Interior: For publication and distribution of the Agricultural Bulletin, one thousand dollars; for traveling expenses, blank books, stationery, furniture, ice, lights, supplies and necessary incidental expenses, one thousand dollars; in all, two thousand dollars.

BOARD OF PUBLIC WORKS.

Salaries, Board of Public Works: For the Chief Engineer, three thousand dollars; Assistant Chief Engineer, two thousand four hundred dollars; disbursing officer, two thousand dollars; Chief Clerk, one thousand eight hundred dollars; overseer of public buildings, one thousand five hundred dollars; superintendent of harbor and public lands, one thousand five hundred dollars; three clerks at one thousand two hundred dollars each; one draughtsman, one thousand two hundred dollars; two draughtsmen at seven hundred and twenty dollars each; one clerk at one thousand and eighty dollars; four clerks at nine hundred dollars each; two storekeepers at seven hundred and twenty dollars each; two watchmen at three hundred and sixty dollars each; two messengers at three hundred dollars each; two janitors at three hundred dollars each; one wharf policeman three hundred dollars; for pay of supervising and laboring force on maintenance of roads, one hundred forty-five thousand five hundred dollars; in all, one hundred seventy-two thousand two hundred and eighty dollars.

Contingent Expenses, Board of Public Works: For office supplies and incidental expenses, seven hundred

dollars ; inspection and travelling expenses, three thousand dollars; purchase and repair of drawing and surveying material and instruments five hundred dollars; for surveying and plotting harbor lands, public buildings and adjacent grounds, and searching and copying records in connection therewith, three thousand dollars; for care of and preserving harbor works, plant and machinery, five hundred dollars; in all, seven thousand seven hundred dollars.

Maintenance and Repair of Roads: For rent of tool sheds and storehouses, one thousand two hundred dollars; repairs to bridges, culverts, roadhouses and embankments, ten thousand dollars; material and tools required for maintenance of roads and for all incidental expenses connected therewith, except labor, eighty-two thousand dollars; in all, ninety-three thousand two hundred dollars.

Maintenance and Repair of Public Buildings: For preservation, care and necessary repairs of public buildings other than the executive mansion, twenty-seven thousand five hundred dollars; for water for public buildings including executive mansion, ten thousand dollars; for electric lighting for public buildings including executive mansion, two thousand five hundred dollars; in all, forty thousand dollars.

Expenses, Executive Mansion: For care, maintenance and repairs of government buildings used and occupied by the Governor of Porto Rico, care of grounds, wages of employees in connection therewith, telephone service, purchase, renewal and repairs of furniture, miscellaneous and necessary incidental expenses, twelve thousand five hundred dollars.

SUPERIOR BOARD OF HEALTH.

Salaries, Superior Board of Health: For the secretary and treasurer, two thousand dollars; chemist, two thousand dollars; clerk and book-keeper, one thousand six hundred dollars; sanitary inspector for the northern district, one thousand five hundred dollars; sanitary inspector for the southern district, one thousand five hundred dollars; stenographer, one thousand two hundred dollars; superintendent, vaccine station, one thousand dollars; inspector of plumbing, one thousand two hundred dollars; assistant chemist, nine hundred dollars; three inspectors of food, at seven hundred and twenty dollars each; janitor at laboratory, three hundred and sixty dollars; janitor at office of board, three hundred dollars; peon at vaccine station, three hundred dollars; veterinary inspector, one thousand two hundred dollars; registrar of vital statistics, one thousand dollars; two clerks, at nine hundred dollars each; in all, twenty thousand and twenty dollars.

Contingent Expenses, Superior Board of Health: For travelling expenses of inspectors, two thousand five hundred dollars; incidental expenses, one thousand five hundred dollars; supplies for laboratory, one thousand dollars; for printing, subject to the approval of the Commissioner of Interior, one thousand five hundred dollars; incidental expenses, live stock, four hundred dollars; rent of vaccine station, one hundred and eight dollars; incidental expenses, vaccine station, five hundred and forty dollars; in all, seven thousand five hundred and forty eight dollars.

BUREAU OF INSULAR TELEGRAPH.

Salaries, Bureau of Insular Telegraph: For the Superintendent, one thousand five hundred dollars; disbursing officer, one thousand two hundred dollars; one manager at one thousand and eighty dollars; one manager at one thousand and twenty dollars; one manager at one thousand dollars; eight managers at nine hundred dollars each; two managers at seven hundred and twenty dollars each; two managers at six hundred dollars each; sixteen managers at four hundred and eighty dollars each; three managers at three hundred dollars each; five operators at nine hundred dollars each; one operator at seven hundred and twenty dollars; one operator at six hundred dollars; two operators at four hundred and eighty dollars each; five linemen at four hundred and eighty dollars each; two linemen at four hundred and twenty dollars each; one clerk at six hundred dollars; one clerk at four hundred and eighty dollars; one clerk at three hundred and sixty dollars; eleven messengers at one hundred and twenty dollars each; four messengers at sixty dollars each; in all, thirty-seven thousand two hundred and forty dollars.

Contingent Expenses, Bureau of Insular Telegraph: For rent of offices, one thousand five hundred dollars; light for stations, three hundred and fifty dollars; transportation and subsistence of employees repairing lines, one thousand dollars; freight and wagon transportation, five hundred dollars; purchase of material and miscellaneous expenditures, one thousand dollars; in all, four thousand three hundred and fifty dollars.

DEPARTMENT OF EDUCATION.

Salaries, Office of the Commissioner of Education:

For the Commissioner of Education, four thousand dollars; Assistant Commissioner of Education, two thousand five hundred dollars; disbursing officer, two thousand dollars; one clerk at one thousand eight hundred dollars; two clerks at one thousand two hundred dollars each; one clerk at one thousand one hundred dollars; three clerks at one thousand dollars each; three clerks, at nine hundred dollars each; one clerk at seven hundred and twenty dollars; two clerks at six hundred dollars each; one clerk at four hundred and eighty dollars; one clerk at two hundred and forty dollars; messenger, four hundred and twenty dollars; janitor, four hundred and twenty dollars; in all, twenty-two thousand nine hundred and eighty dollars.

Contingent Expenses, Office of the Commissioner of Education: For blank books, stationery, office supplies, furniture, cablegrams, postage, ice, lights, and necessary incidental expenses, three thousand dollars.

Text Books and School Supplies: For purchase of text books and supplies, thirty thousand dollars; for transportation of text books and supplies, two thousand dollars; in all thirty-two thousand dollars.

Salaries, Common Schools: For rural teachers at thirty dollars per school month; graded teachers at not less than forty dollars and not more than sixty dollars per school month; principal teachers at not more than seventy-five dollars per school month and teachers of English at not less than forty dollars and not more than sixty dollars per school month; in all, three hundred and seventy thousand dollars.

Contingent Expenses, Common Schools: For desks,

maps, apparatus, sundry supplies and incidental expenses, twenty thousand dollars.

Salaries, Supervisors of Schools: For one Supervisor at not exceeding one thousand five hundred dollars per annum; and not exceeding twenty supervisors at salaries not exceeding one thousand two hundred dollars each per annum; in all, twenty-five thousand five hundred dollars.

Contingent Expenses, Supervisors of Schools: For cost of distribution of text books and supplies to the schools, incidental expenses of supervisors and necessary travelling expenses inside and outside of their respective districts, twelve thousand dollars.

Salaries, Teachers' Institutes and Summer Normal Schools: For salaries of lecturers and instructors, three thousand five hundred dollars.

Contingent Expenses, Teachers' Institutes and Summer Normal Schools: For necessary expenses of travel and subsistence of lecturers and instructors, and incidental expenses, one thousand dollars.

Salaries, High and Graded Schools: San Juan High and Graded School: For salary of principal at not to exceed one hundred and twenty-five dollars per school month; six teachers at not to exceed one hundred and fifteen dollars per school month each; six teachers at not to exceed one hundred dollars per school month each; and two janitors at not more than three hundred and sixty dollars per annum each; Ponce High and Graded School: For salary of principal at not to exceed one hundred and fifteen dollars per school month; four teachers at not to exceed one hundred dollars per school month each; three teachers at not to exceed seventy-five dollars per school month each; Mayaguez High and Graded School: For salary of principal at not to exceed

one hundred and fifteen dollars per school month; three teachers at not to exceed one hundred dollars per school month each; two teachers at not to exceed seventy-five dollars per school month each; Fajardo High and Graded School: For one teacher at a salary not to exceed one hundred dollars per school month; three teachers at not to exceed seventy-five dollars per school month; in all, twenty-eight thousand one hundred and twenty-five dollars.

Contingent expenses, High and Graded Schools: San Juan High and Graded School: For school text books, desks, maps, apparatus and incidental expenses, five hundred dollars; Ponce High and Graded School: For school text books, desks, maps, apparatus, and incidental expenses, one thousand dollars; Mayaguez High and Graded School: For school text books, desks, maps, apparatus and incidental expenses, five hundred dollars; Fajardo High and Graded School: For school text books, desks, maps, apparatus, and incidental expenses, five hundred dollars; in all, two thousand five hundred dollars.

Salaries, Normal School: For salary of principal at not more than one thousand five hundred dollars per school year; eight teachers at not more than one thousand dollars each per school year; two teachers at not more than seven hundred and fifty dollars each per school year; two janitors at not more than three hundred and sixty dollars each per annum; in all, eleven thousand seven hundred and twenty dollars.

Contingent Expenses, Normal School: For normal school text books, desks, maps, apparatus, and incidental expenses, one thousand five hundred dollars.

Library and Museum, Department of Education: For purchase of books and apparatus, five hundred dol-

lars; expense of freight, cataloguing, and incidental expenses one hundred dollars; in all, six hundred dollars.

Salaries, Free Public Library: For the librarian, seven hundred and twenty dollars; assistant librarian and janitor, three hundred and sixty dollars; in all, one thousand and eighty dollars.

Contingent expenses, Free Public Library: For books, publications, periodicals and maps, one thousand dollars; furniture, appliances, and incidental expenses, two hundred dollars; freight and expenses, one hundred dollars; in all, one thousand three hundred dollars.

Instruction and Training of Young Men from Porto Rico in the United States: For the instruction and training of young men sent from Porto Rico to the United States, for the study of subjects determined by the Commission authorized by the act of the Legislative Assembly entitled "An Act providing for the education in the United States of certain Porto Rican young men" approved January thirtieth, nineteen hundred and one, ten thousand dollars.

Technical Education of Porto Rican Students in the United States: For the education in the various arts and trades of young men and women sent from Porto Rico to the United States, under authority of the act of the Legislative Assembly entitled "An Act to provide for the education of certain young men and women in the United States," approved January thirtieth, nineteen hundred and one, five thousand dollars.

INSULAR CHARITIES.

Salaries, Office of the Director: For the Director, two thousand four hundred dollars; disbursing officer, one thousand eight hundred dollars; purchasing agent,

one thousand two hundred dollars; one clerk at one thousand dollars; one clerk at nine hundred dollars; one clerk at seven hundred and eighty dollars; one clerk at six hundred dollars; messenger, three hundred dollars; in all, eight thousand nine hundred and eighty dollars.

Contingent Expenses, Office of the Director: For blank books, office supplies, stationery, furniture and necessary incidental expenses, four hundred dollars; for travelling expenses, three hundred dollars; in all, seven hundred dollars.

Salaries, Leper Colony: For the resident manager, nine hundred dollars; visiting physician, six hundred dollars; male nurse, two hundred and forty dollars; female nurse, one hundred and eighty dollars; boatman, two hundred and forty dollars; assistant boatman, one hundred and eighty dollars; gardener, one hundred and eighty dollars; cook, one hundred and fifty dollars; assistant cook, ninety-six dollars; laundress, one hundred and twenty dollars; in all, two thousand eight hundred and eighty-six dollars.

Contingent Expenses, Leper Colony: For subsistence for thirty-six patients and nine employees at twenty cents each per day, three thousand two hundred and eighty-five dollars; clothing, bedding, medicines, utensils, equipment, minor repairs to buildings, and sundries, two thousand five hundred and nine dollars; in all, five thousand seven hundred and ninety-four dollars.

Salaries, Insane Asylum: For the Superintendent, two thousand five hundred dollars; practicante, six hundred dollars; clerk, five hundred dollars; storekeeper, five hundred dollars; janitor, three hundred and sixty dollars; porter, two hundred and forty dollars; matron, four hundred and twenty dollars; first atten-

dant, four hundred and twenty dollars; two attendants at three hundred and sixty dollars per annum each; five attendants at three hundred dollars per annum each; eight attendants at two hundred and forty dollars per annum each; twelve servants at ninety-six dollars per annum each; six servants at seventy-two dollars per annum each; carpenter, three hundred and sixty dollars; mason, three hundred and sixty dollars; in all, eleven thousand nine hundred and eighty-four dollars.

Contingent Expenses, Insane Asylum: For subsistence for two hundred inmates and forty-three employees at sixteen cents each per day, fourteen thousand one hundred and ninety-one dollars and twenty cents; clothing, bedding, medicines, equipment, utensils, minor repairs to buildings and sundries, four thousand one hundred and eighty-two dollars; in all, eighteen thousand three hundred and seventy-three dollars and twenty cents.

Salaries, Girls' Charity School. For the Superintendent, one thousand two hundred dollars; two teachers at six hundred dollars per annum each; three teachers at five hundred dollars per annum each; clerk, six hundred dollars; visiting physician, three hundred dollars; shoemaker, three hundred dollars; janitor, one hundred and eighty dollars; gardener, one hundred and eighty dollars; two assistant gardeners at one hundred and fifty dollars per annum each; ten attendants at one hundred and eighty dollars per annum each; ten servants at seventy-two dollars per annum each; in all, eight thousand two hundred and eighty dollars.

Contingent Expenses, Girls' Charity School: Subsistence for one hundred and ninety-four inmates and thirty-three employees at twelve cents each per day,

nine thousand nine hundred and forty-two dollars and sixty cents; clothing, school books, equipment, medicines, utensils, minor repairs to buildings and sundries, five thousand seven hundred and ten dollars; in all, fifteen thousand six hundred and fifty-two dollars and sixty cents.

Salaries, Boys' Charity School: For the Superintendent, two thousand dollars; Assistant Superintendent and Commandant, one thousand dollars; clerk, six hundred dollars; six teachers at six hundred dollars each per annum; gardener, three hundred dollars; assistant gardener, one hundred and eighty dollars; four monitors at three hundred dollars per annum each; bandmaster, seven hundred and twenty dollars; visiting physician, three hundred dollars; resident practicante, six hundred dollars; matron, three hundred and sixty dollars; four attendants at two hundred and forty dollars per annum each; carpenter, six hundred dollars; assistant carpenter, one hundred and eighty dollars; tailor, four hundred and eighty dollars; shoemaker, four hundred and eighty dollars; baker, seven hundred and twenty dollars; two assistant bakers at four hundred and twenty-five dollars per annum each; janitor, three hundred dollars; porter, one hundred and eighty dollars; night watchman, three hundred dollars; teamster, three hundred dollars; assistant teamster, one hundred and twenty dollars; cook, two hundred and forty dollars; two assistant cooks, one hundred and twenty dollars per annum each; ten servants at seventy-two dollars per annum each; eight servants at sixty dollars per annum each; four waiters at ninety-six dollars per annum each; in all, eighteen thousand three hundred and ninety-four dollars.

Contingent Expenses, Boys' Charity School: For subsistence for two hundred and seventy-five inmates

and sixty-four employes at twelve cents per day each, fourteen thousand eight hundred and forty-eight dollars and twenty cents; clothing, bedding, school supplies, medicines, equipment, utensils, minor repairs to building and sundries, seven thousand two hundred and sixty-five dollars; in all twenty-two thousand one hundred and thirteen dollars and twenty cents.

MISCELLANEOUS.

Miscellaneous Expenditures, subject to the approval of the Governor: For payment of miscellaneous claims not otherwise appropriated for, and emergency expenditures for other purposes, subject to the approval of the Governor of Porto Rico, and to aid in remedying public calamities, and from which transfers to other appropriations are authorized, upon his direction, when in his opinion, the needs of the public services may require it, seventy-five thousand dollars.

Refund of Duties and Taxes improperly collected: For refunding duties and taxes improperly collected to be paid upon the approval of the Governor, one thousand dollars, or so much thereof as may be necessary.

Pension to Widow of Ramon Baldorioty de Castro: For pension to Widow of Ramon Baldorioty de Castro, one thousand dollars, payable monthly from July first, nineteen hundred and two, to June thirtieth, nineteen hundred and three.

JUDICIAL.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PORTO RICO.

Salaries, United States District Court: For the Judge, five thousand dollars; District Attorney, four thousand dollars; Marshal, three thousand five hundred dol-

lars; clerk of the court, two thousand dollars; deputy clerk at San Juan, one thousand two hundred dollars; deputy clerk at Ponce, one thousand dollars; deputy clerk at Mayaguez, one thousand dollars; chief deputy marshal, one thousand six hundred dollars; deputy marshal at San Juan, one thousand dollars; deputy marshal at Ponce, twelve hundred dollars; deputy marshal at Mayaguez, twelve hundred dollars; interpreter, one thousand two hundred dollars; stenographer, one thousand two hundred dollars; janitor, four hundred and eighty dollars; in all, twenty-five thousand five hundred and eighty dollars.

Contingent Expenses, United States District Court: Travelling expenses of Marshal and deputy marshal in serving process, one thousand five hundred dollars; travelling expenses and subsistence of the Court, one thousand dollars; incidental expenses, Marshal's office, one thousand dollars; incidental expenses, office of the Judge, two hundred dollars; for purchase of law books for the Court's library, to be expended by the Marshal under the direction of the Judge on vouchers to be approved by him, one thousand dollars; in all, four thousand seven hundred dollars.

Fees and Mileage of Witnesses, United States District Court: For fees and mileage of witnesses in attendance upon the United States District Court for Porto Rico, two thousand five hundred dollars.

Fees and Mileage of Jurors, United States District Court: For fees and mileage of jurors in attendance upon the United States District Court for Porto Rico three thousand five hundred dollars.

Fees of United States Commissioners: For fees of Commissioners of the United States District Court for Porto Rico, one thousand dollars.

INSULAR COURTS OF PORTO RICO.

Salaries, Supreme Court of Porto Rico: For the Chief Justice, five thousand dollars; four Associate Justices at four thousand five hundred dollars each; Marshal, three thousand dollars; secretary, one thousand eight hundred dollars; interpreter, one thousand four hundred dollars; two clerks at eight hundred dollars each; two clerks at six hundred dollars each; four clerks at four hundred and eighty dollars each; stenographic and typewriting services at a rate not to exceed one hundred dollars per month to any employee, twelve hundred dollars; janitor, five hundred and eighty dollars; two bailiffs at four hundred and sixty dollars each; in all, thirty-six thousand six hundred and twenty dollars.

Contingent Expenses, Supreme Court of Porto Rico: For material for the court and secretary's office, seven hundred dollars; material for Fiscal's office, one hundred and twenty dollars; in all, eight hundred and twenty dollars.

Salaries, District Court of San Juan: For the presiding Judge, three thousand dollars; two Associate Judges at three thousand dollars each; Prosecuting Attorney, three thousand dollars; secretary, one thousand eight hundred dollars; interpreter, one thousand two hundred dollars; two officers of sala at nine hundred dollars each; archive officer, six hundred dollars; two clerks at six hundred dollars each; five clerks at four hundred and eighty dollars each; janitor, three hundred and sixty dollars; two bailiffs at three hundred and sixty dollars each; in all, twenty two thousand and eighty dollars.

Contingent Expenses, District Court of San Juan: For material for court and secretary's office, six hundred

dollars; material for prosecuting attorney's office, one hundred and twenty dollars; postage stamps, seventy-five dollars; in all, seven hundred and ninety-five dollars.

Salaries, District Court of Ponce: For the presiding Judge, two thousand four hundred dollars; two Associate Judges at two thousand four hundred dollars each; prosecuting attorney, two thousand four hundred dollars; secretary, one thousand five hundred dollars; interpreter and typewriter, one thousand two hundred dollars; two officers of sala at six hundred dollars each; five clerks at four hundred and eighty dollars each; janitor, three hundred and sixty dollars; two bailiffs at three hundred dollars each; in all, sixteen thousand eight hundred and sixty dollars.

Contingent Expenses, District Court of Ponce: For material for court and secretary's office, six hundred dollars; material for prosecuting attorney's office, one hundred and twenty dollars; rental of court house, one thousand six hundred and fifty dollars; postage stamps, one hundred dollars; in all, two thousand four hundred and seventy dollars.

Salaries, District Court of Mayaguez: For the presiding Judge, two thousand four hundred dollars; two Associate Judges, two thousand four hundred dollars each, prosecuting attorney, two thousand four hundred dollars; secretary, one thousand five hundred dollars; interpreter and typewriter, one thousand two hundred dollars; two officers of sala at six hundred dollars each; five clerks at four hundred and eighty dollars each; janitor, three hundred and sixty dollars; two bailiffs at three hundred dollars each; in all, sixteen thousand eight hundred and sixty dollars.

Contingent Expenses, District Court of Mayaguez:

For material for court and secretary's office, six hundred dollars; material for prosecuting attorney's office, one hundred and twenty dollars; rental of court house, one thousand five hundred dollars; postage stamps, one hundred dollars; in all, two thousand three hundred and twenty dollars.

Salaries, District Court of Humacao: For the presiding Judge, two thousand four hundred dollars; two Associate Judges at two thousand four hundred dollars each; prosecuting attorney, two thousand four hundred dollars; secretary, one thousand five hundred dollars; interpreter and typewriter, one thousand dollars; two officers of sala at six hundred dollars each; five clerks at four hundred and eight dollars each; janitor, three hundred and sixty dollars; two bailiffs at three hundred dollars each; in all, sixteen thousand six hundred and sixty dollars.

Contingent Expenses, District Court of Humacao: For material for court and secretary's office, six hundred dollars; material for prosecuting attorney's office, one hundred and twenty dollars; rental of court house, seven hundred and twenty dollars, postage stamps, one hundred dollars; travelling and other expenses of the Humacao court in holding quarterly sessions in Caguas and Guayama, two thousand four hundred dollars; in all, three thousand nine hundred and forty dollars.

Salaries, District Court of Arecibo: For the presiding Judge, two thousand four hundred dollars; two Associate Judges at two thousand four hundred dollars each; prosecuting attorney, two thousand four hundred dollars; secretary, one thousand five hundred dollars; interpreter and typewriter, one thousand dollars; two officers of sala at six hundred dollars each; five clerks at four hundred and eighty dollars each; janitor, three

hundred and sixty dollars; two bailiffs at three hundred dollars each; in all, sixteen thousand six hundred and sixty dollars.

Contingent Expenses, District Court of Arecibo: For material for court and secretary's office, six hundred dollars; material for prosecuting attorney's office, one hundred and twenty dollars; rental of court-house, four hundred and twenty dollars; repairs to court-house, one hundred dollars; postage stamps, fifty dollars; in all, one thousand two hundred and ninety dollars.

Salaries, Municipal Courts: For clerical expenses in the Municipal courts of San Juan, (two courts), Ponce and Mayaguez, at four hundred and eighty dollars per annum each; for clerical expenses in the municipal courts of Humacao, Caguas, Guayama, San German, Arecibo, Aguadilla and Utuado, seven courts, at four hundred and twenty dollars per annum each; for clerical expenses, in the Municipal Courts in fifty-six other municipalities at two hundred and forty dollars per annum each; in all, eighteen thousand three hundred dollars.

Fees of Witnesses, Insular Courts: For fees of witnesses testifying in the several District Courts of the island, and the Supreme Court of Porto Rico, five thousand dollars.

Miscellaneous Items, Insular Courts: For chemical analysis ordered by the District Courts, three hundred dollars; for autopsies, two thousand dollars; travelling and necessary expenses of Judges and prosecuting attorneys sent on commissions, one thousand five hundred dollars; expenses of execution of death sentences, five hundred dollars; in all, four thousand three hundred dollars.

Fees of Jurors and Incidental Expenses of Jury Procedure: For fees of jurors in the District Courts and

incidental expenses of jury procedure, fifteen thousand dollars.

SECTION 2.—(29)—The respective amounts herein appropriated for salaries of internal revenue officers, and for chiefs of divisions or bureaus, chief clerks, clerks and subordinate employees, in the several executive departments of the Insular Government, shall be deemed and held to be limitations, subject to which the heads of the respective departments may fix the salaries of such employees in such amounts as may be approved by the Executive Council.

SECTION 3.—(30)—From and after July first, nineteen hundred and two, the Deputy Treasurer, the Deputy Auditor, the Deputy Commissioner of the Interior, shall be designated respectively as the Assistant Treasurer, the Assistant Auditor, and the Assistant Commissioner of the Interior, but this provision shall be held and construed to operate merely as changing the designations of said officers and not as creating new offices, and no new appointments shall be required with respect to the incumbents of said offices on July first, nineteen hundred and two, by reason of such change in the designation of said offices.

SECTION 4.—(31)—When, in the opinion of the Governor, the interests of the public service require it, he may authorize transfers from appropriations provided for any particular department of the Insular Government to appropriations of like general character provided for the same department, and may also, in like manner, authorize transfers from one sub-head of appropriations to another sub-head.

SECTION 5.—(32)—From and after July 1, 1902, all tolls, fees and receipts of the insular telegraph service shall be deposited in full with the Treasurer of Porto

Rico as miscellaneous receipts, and shall not be treated as a trust fund.

Approved, March 1, 1902.

AN ACT

MAKING APPROPRIATIONS TO SUPPLY DEFICIENCIES IN APPROPRIATIONS FOR CARRYING ON THE GOVERNMENT OF PORTO RICO FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND TWO AND PRIOR YEARS, AND FOR OTHER PURPOSES.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(33)—That the following sums be, and the same are hereby appropriated out of any money in the treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and two and for prior years, for the objects hereinafter stated, namely:

Extra Compensation for Engrossing and Enrolling Clerks, Executive Council, 1901-1902: For estimated amount necessary to pay for the services of clerks employed in the Executive Council and in the executive departments of the Insular Government, working outside of regular office hours in engrossing and enrolling laws passed by the Legislative Assembly at the present session, for the Executive Council, at rates not exceeding fifty cents per hour, five hundred dollars, or so much thereof as may be necessary; *Provided*, that this amount shall also be available for the hire of transient clerical help at such rates of compensation as may be fixed by the Executive Council.

Extra compensation for Engrossing and Enrolling Clerks, House of Delegates, 1901-1902: For estimated amount necessary to pay for the services of clerks employed in the office of the House of Delegates, working outside of regular office hours, or other clerks, in engrossing and enrolling laws passed by the Legislative Assembly, at rates not exceeding fifty cents per hour, five hundred dollars, or so much thereof as may be necessary.

Salaries, House of Delegates 1901-1902: For per diems of twenty-six Members in attendance at the extra session of the Legislative Assembly, held July fourth, nineteen hundred and one, one day each, at five dollars per day, one hundred and thirty dollars; extra compensation to L. M. Randal to pay for his services in copying minutes of House of Delegates, from March tenth to March nineteenth, nineteen hundred and one, thirty dollars; in all, one hundred and sixty dollars.

Salaries, Insular Police of Porto Rico, 1901-1902: For amount required to pay the salaries of the insular police of Porto Rico to June thirtieth, nineteen hundred and two, at the rates fixed by law, made necessary by increase of the force to police municipalities, eleven thousand dollars.

Salaries, Office of the Attorney General, 1901-1902: For the salary of the attorney for Board of Health cases from January first to July first, nineteen hundred and two, at one hundred dollars per month, six hundred dollars; for two stenographers from February first to July first, nineteen hundred and two, at one thousand four hundred dollars each per annum, one thousand one hundred fifty-eight dollars and ninety cents; for one law clerk from February first to July first nineteen hundred and two, at one thousand two hundred dollars per annum,

four hundred ninety-six dollars and sixty-six cents; for compensation for services of extra typewriter for six weeks at a rate not to exceed one thousand two hundred dollars per annum, one hundred and fifty dollars; in all, two thousand four hundred five dollars and fifty six cents.

Contingent Expenses, Office of the Attorney General, 1901-1902: For printing circulars and rulings of the Department of Justice, five hundred dollars.

Contingent Expenses, Supreme Court of Porto Rico, 1901-1902: For furniture and law books for Fiscal of Supreme Court, one hundred dollars.

Salaries, District Court of San Juan 1901-1902: For amount required to pay the salaries of two clerks at six hundred dollars per annum each, from February first, nineteen hundred and two, to June thirtieth, nineteen hundred and two, four hundred and ninety-six dollars and sixty cents.

Contingent Expenses, District Court of San Juan, 1901-1902: For supplies for the office of the Fiscal including balance of payments for typewriting machine, fifty dollars, or so much thereof as may be necessary; for typewriter for the secretary's office, one hundred dollars; for furniture for the court room, two hundred dollars, or so much thereof as may be necessary, in all, three hundred and fifty dollars.

Contingent Expenses, District Court of Arecibo, 1901-1902: For amount required for shelving and work on old archives, one hundred dollars.

Fees of Witnesses, Insular Courts, 1901-1902, and Prior Years: For fees of witnesses and fees for expert testimony accruing prior to July first, nineteen hundred and one; *Provided*, that no claim shall be paid from this appropriation without the certificate of approval by the

Attorney General, who shall require sufficient proof of the rendition of the services and the value thereof, two thousand dollars, or so much thereof as may be necessary.

Miscellaneous Items, Insular Courts, 1901-1902, and Prior Years: For the payment of claims for medical autopsies performed during the fiscal years 1899-1900, 1900-1901 and 1901-1902, pursuant to the order or approval of the District Courts; *Provided*, that no claims shall be paid out of this appropriation except upon approval by the Attorney General, who shall require sufficient legal proof of the rendition of the services and of the value thereof, five thousand dollars or so much thereof as may be necessary. For medical services rendered by Dr. Guillermo Carreras of Vieques, by order of the Judge of Vieques to go to Culebra Island, thirty-six (36) dollars.

Fees of Jurors and incidental Expenses of Jury Procedure, 1901-1902: For the payment of fees of jurors in the District Courts and incidental expenses of jury procedure, five thousand dollars, or so much thereof as may be necessary.

Salaries, Office of the Treasurer, 1901-1902: For amount required to pay salary of Edwin A. Thayer for services in the bureau of assessment from July first to July fifteenth, nineteen hundred and one, at the rate of seventy-five dollars per month, thirty-six dollars and twenty-nine cents.

Commissions, Internal Revenue Stamp Agents, 1901-1902: For amount required to pay the compensation of internal revenue stamp agents from January first to June thirtieth, nineteen hundred and two, seven thousand five hundred dollars.

Contingent Expenses, Internal Revenue Agents,

1901-1902: For amount required to pay for travelling expenses of internal revenue agents, two thousand dollars; for horses' stabling, one thousand six hundred dollars; in all, three thousand six hundred dollars.

Salaries, Superior Board of Health, 1901-1902: For salary of one clerk from April first to June thirtieth, nineteen hundred and two, at seventy-five dollars per month, two hundred and twenty-five dollars; for salary of assistant chemist from March first to June thirtieth, nineteen hundred and two, at seventy-five dollars per month, three hundred dollars; for salary of clerk on statistics from January first to June thirtieth, nineteen hundred and two, at nine hundred dollars per annum, four hundred and fifty dollars; for amount required to pay balance of salary for plumbing inspector, for the month of June, nineteen hundred and two, at the rate of seventy-five dollars per month, sixty-two dollars and fifty cents; in all, one thousand thirty-seven dollars and fifty cents.

Contingent Expenses, Superior Board of Health, 1901-1902: For amount required for incidental expenses, five hundred dollars.

Maintenance and Repair of Public Buildings, 1901-1902: For amount required by the Board of Public Works to put iron shelving in the fire-proof vault already constructed in the Intendencia building, one thousand eight hundred dollars or so much thereof as may be necessary.

Permanent Repairs, Executive Mansion: For estimated amount required for necessary permanent repairs to the Executive Mansion, to be made by Board of Public Works under the direction of the Commissioner of the Interior, and to remain available until such permanent repairs shall have been completed,

seven thousand dollars, or so much thereof as may be necessary; for building cells in the asylum for the insane, one thousand five hundred (1,500.00) dollars.

General Average, Board of Public Works, 1899-1900: For amount required to pay the New York and Porto Rico Steamship Company the amount due for general average assessment on cargo of lumber shipped by the Yellow Pine Company to the Board of Public Works, under the late United States Military Government of Porto Rico, in the month of October, eighteen hundred and ninety-nine, per steamship "Ponce," disabled at sea, as per certificate of Johnson and Higgins, Average Adjustors, New York City, three hundred six dollars and sixty-seven cents.

Maintenance of Insular Telegraph Service, Trust Fund, 1901-1902: For the following estimated amounts required for the maintenance of the insular telegraph service for the remainder of the fiscal year ending June thirtieth, nineteen hundred and two, in addition to the estimated receipts, which are treated as a trust fund and applied to the expenses of the service; for salaries, five thousand one hundred fifty dollars and seventy-eight cents; for contingent expenses, including extension, equipment and rebuilding of lines, purchase of instruments, line and battery material, and incidental expenses of the service, nine thousand eight hundred seven dollars and sixty-five cents; in all, fourteen thousand nine hundred fifty-eight dollars and forty three cents, or so much thereof as may be necessary.

Publication of Teacher's Manual, 1897-1900: For amount required to pay the claim of Silver, Burdett and Company, New York City, for publication of fifteen hundred copies of Teacher's Manual for Department of

Education, as per bill approved by Executive Council, after deducting value of seventy-seven copies not delivered, one thousand five hundred thirty-six dollars and sixty-nine cents.

Travelling Expenses and Subsistence for Supervisors of Schools while visiting Schools during months of March, April, May and June, 1902: For amount required to provide for the payment of travelling expenses and subsistence of supervisors of schools incurred in travelling either within or without their districts on school business in the Department of Education from March first, nineteen hundred and two, to June thirtieth, nineteen hundred and two, the sum of four thousand dollars.

Reimbursement of the Municipality of Fajardo for Interest paid on Loan prior to July 1st 1901: To reimburse the municipality of Fajardo for interest paid on loan of twenty thousand dollars, negotiated with American Colonial Bank, in order to comply with the terms of an agreement with the Military Government of Porto Rico, said contract having been annulled by the Commissioner of Education, on April twelfth, nineteen hundred and one, upon agreement to reimburse said municipality for amount of interest paid, two thousand nine hundred and twenty-five dollars.

Commission to Compile and revise the Laws of Porto Rico: For amount required to pay the following sums due to employees of the Insular Government, other than employees of the late Commission to compile and revise the laws of Porto Rico, as extra compensation for extra services rendered to said Commission, outside of the regular office hours, in March and April, nineteen hundred and one, namely: To R. A. Van Middeldyke, eighteen dollars and forty cen's; Maynard K. Yoakam,

thirty-seven dollars and ten cents; H. Alfred Stone, Jr., one dollar and twenty cents; Calixto Romero, twelve dollars and forty cents; Thomas M. Reynolds, ten dollars and eighty cents; R. C. Hoheb, five dollars and sixty cents; George W. Roberts, four dollars and eighty cents; H. P. Leake, fourteen dollars and sixty cents; in all, one hundred four dollars and ninety cents.

Porto Rican Code Commission: For amount required to pay the following sums due to employees of the Insular Government, other than employees of the Porto Rican Code Commission, as extra compensation for extra services rendered said Commission outside of the regular office hours, in December, nineteen hundred and one, namely: To R. Siaca Pacheco, forty-two dollars; A. Blanco, ninety-two dollars and twenty-five cents; in all, one hundred thirty-four dollars and twenty-five cents.

Representation of Porto Rico at the Pan-American Exposition at Buffalo, New York: For amount required to pay Charles C. Voelker, as employee of the Porto Rican Code Commission as extra compensation for extra services rendered in February, nineteen hundred and one, to the Commission to represent Porto Rico at the Pan-American Exposition, five dollars. For amount required to pay the salary of Armando Morales, architect of the Board of Public Works, for services rendered to the Porto Rican Commission at the Pan-American Exposition at Buffalo, during the months of May and June, nineteen hundred and one, at the rate of one thousand five hundred dollars per annum, and per diem in lieu of expenses for the same period at two dollars and fifty cents, four hundred and three dollars and ninety cents.

Salaries, Printing and Supply Division, 1901-1902: For amount required to pay the following named em-

ployees of the printing and supply division, connected with the the Auditor's office, for night work performed in order to complete jobs of printing urgently needed: A. F. Lowe, foreman, printing office, eleven dollars and fifty-two cents; Angel Rengel, printer's assistant, four dollars and eighty cents; in all, sixteen dollars and thirty-two cents.

Fees and Mileage of Witnesses, United States District Court for Porto Rico, 1901-1902: For estimated amount required to pay the fees and mileage of witnesses in attendance upon the United States District Court of Porto Rico, for the remainder of the fiscal year, ending June thirtieth, nineteen hundred and two, five hundred dollars, or so much thereof as may be necessary.

Fees and Mileage of Jurors, United States District Court for Porto Rico, 1901-1902: For estimated amount required to pay the fees and mileage of jurors in attendance upon the United States District Court of Porto Rico, for the remainder of the fiscal year, ending June thirtieth, nineteen hundred and two, five hundred dollars, or so much thereof as may be necessary.

Approved, March 1, 1902.

AN ACT

TO PROVIDE FOR THE REPRESENTATION OF PORTO RICO AT THE LOUISIANA PURCHASE EXPOSITION TO BE HELD AT ST. LOUIS, MISSOURI, IN NINETEEN HUNDRED AND THREE.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(31)—That for the purpose of providing for a suitable representation of the island of Porto Rico at the Louisiana Purchase Exposition, to be held at St.

Louis, Missouri, in the year nineteen hundred and three, and an exhibition thereat of the best products of the island, the Governor of Porto Rico shall appoint a Commission of three members from different sections of the island, if practicable, to represent the island at said exposition. The said Commissioners shall receive such compensation as the Governor shall fix, and perform such services as he may direct, including advertising, collection of products, and the packing and shipping of exhibits.

SECTION 2.—(35)—To carry into effect the provisions of this Act, the sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, to be expended upon the approval of the Governor; *Provided*, that no part of the amount hereby appropriated shall be expended for the erection or construction of any building or buildings at the said Louisiana Purchase Exposition.

SECTION 3.—(36)—The said Commissioners shall, with the approval of the Governor, designate and appoint one of the members of the said Commission as a disbursing officer therefor, who shall give bond in such amount and in such form as shall be approved by the Auditor, with sureties to be approved by the Treasurer.

SECTION 4.—(37)—This Act shall be in force and effect from and after its passage.

Approved, February 14, 1902.

AN ACT.

TO REGULATE AND GOVERN THE ADMISSION OF ATTORNEYS AND COUNSELORS AT LAW TO PRACTICE IN THE SUPREME COURT OF PORTO RICO AND IN THE COURTS OF THE ISLAND.

Be it enacted by the Legislative Assembly of Porto Rico.

SECTION 1.—(38)—As soon as may be practicable after the passage of this Act, the Supreme Court of Porto Rico shall prescribe and publish just and uniform rules and regulations, governing and regulating the admission of attorneys and counselors at law to practice their professions before said court and the several courts of this island.

SECTION 2.—(39)—From and after the promulgation of the rules and regulations provided for in section 1 of this Act, no person not previously admitted as an attorney or lawyer shall be permitted to practice as an attorney or counselor at law before the Supreme Court of Porto Rico, or any of the courts of the island, until he shall have been admitted to practice therein in accordance with said rules and regulations; *Provided*, that any person of good moral character, who is a member in good standing of the bar of the Supreme Court of the United States, or any United States Circuit Court or Circuit Court of Appeals, or of any United States District Court, including the United States District Court for the District of Porto Rico, of the Supreme Court, or the highest court of any State or Territory of the United States, or of the Supreme Court of the District of Columbia, shall, upon application in due form or upon motion in open court, be admitted to practice, without examination, before the Supreme Court of Porto Rico, and any of the courts of the island, upon

his producing to the court to which his application for such admission shall be made his certificate of admission to the bar of any of the courts of the United States in this section named, or other evidence satisfactory to the court to which his application for admission shall be made, showing that he is a member in good standing of the bar of any of the courts of the United States herein named, together with satisfactory testimonials as to his good moral character.

SECTION 3.—(40).—The fee for admission to practice, including certificates of admission in the Supreme Court of Porto Rico or in any of the courts of the island, in cases where the applicant is required to pass an examination, shall be five dollars, and in all cases where the applicant is entitled under the provisions of this Act to admission to practice without examination, the fee shall be two dollars, including certificate of admission; *Provided*, that such fee shall in no case be required more than once. And all fees for admission collected under the provisions of this Act shall be paid by the proper officer of the court in which such fees are collected, to the collector of internal revenue within the district in which such court is located, and such collector shall deposit all moneys so collected, and received with the Treasurer of Porto Rico, and account for the same in his monthly accounts under the head of miscellaneous receipts of internal revenue,

SECTION 4.—(41).—Members of the bar of the Supreme Court of Porto Rico, or of any of the courts of the island, who may be designated to serve on committees for examination of candidates seeking admission to practice in said court, shall serve without compensation.

SECTION 5.—(42).—All laws, decrees and orders, or

parts thereof, in conflict with the provisions of this Act, be, and the same are, hereby repealed.

SECTION 6.—(43)—This Act shall be in force and effect from and after its passage.

Approved, January 31, 1901.

AN ACT

TO REGULATE THE ADMISSION OF ATTORNEYS AND COUNSELORS
AT LAW TO PRACTICE BEFORE THE COURTS OF THE ISLAND
OF PORTO RICO.

Be it enacted by the Legislative Assembly of Porto Rico.

SECTION 1.—(44)—That the examination for admission of attorneys and counselors at law to practice before the courts of the island required under an Act entitled: "An Act to regulate and govern the admission of attorneys and counselors at law to practice in the Supreme Court of Porto Rico, and in the courts of the island", approved January thirty-one, nineteen hundred and one, shall be regulated in the following manner: The subjects prescribed by the Supreme Court as necessary to be studied by the applicant for admission to the bar, shall be divided by the said court into three classes or grades, which shall determine the gradual and successive order of the attainments necessary in order to secure a license to practice law, and which shall be designated as the first, second and third grades.

SECTION 2.—(45)— That applicants for examination shall state in their applications whether they desire to be examined in one, two or three grades of subjects, but no person shall be examined in the second grade of subjects if he has not passed the first, and he shall not be examined in the third if he has not passed the first and second.

SECTION 3.—(46)—That the Supreme Court shall give notice in the Official Gazette at least three months prior to the date of any examination herein provided for, of the list of subjects to be included in the examination.

SECTION 4.—(47)—That no person shall be admitted to practice before the courts of the island under the terms of section 2 of the Act mentioned in the first section hereof without presenting to the court a certificate from one of the courts in said Act named, showing that he has been admitted to practice before the court from which such certificate is issued.

SECTION 5.—(48)—All laws, decrees and orders, or parts thereof, in conflict with the provisions of this Act be and the same hereby are repealed.

SECTION 6.—(49)—That this law shall be in force and take effect from and after July first, nineteen hundred and two.

Approved, March 1, 1902.

AN ACT

TO AUTHORIZE AND PROVIDE FOR THE PURCHASE OR ACQUISITION OF LAND FOR THE USE OF THE UNITED STATES AGRICULTURAL EXPERIMENT STATION.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(50)—That the Governor is hereby authorized and empowered to secure by purchase or otherwise a suitable tract or parcel of land in the island of Porto Rico for the location thereon of the Agricultural Experiment Station of the United States, for which annual appropriations are now provided and may be hereafter provided by the Congress of the United States,

and to this end the several municipal districts of the island shall be invited to submit proposals to the Commissioner of the Interior for the sale or donation of such land, which shall be approximately eighty hectares in area.

SECTION 2.—(51)—The Governor, with the approval of the agent of the Agricultural Department of the United States resident in Porto Rico, shall select the tract or parcel of land for the purposes aforementioned, giving preference to the most favorable proposal which may be submitted, taking into consideration the locality, accessibility and the general needs and purposes of the Agricultural Experiment Station to be located thereon. The title to the land so acquired shall be in the People of Porto Rico for the exclusive use of the said Agricultural Experiment Station so long as the same shall be maintained thereon by the United States and annual appropriations therefor provided by the Congress of the United States. No payment for the land so acquired shall be made until the Attorney General shall have certified to a clear and unencumbered title thereto in the People of Porto Rico,

SECTION 3.—(52)—And to carry into effect the purpose of this Act the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the treasury not otherwise appropriated, to be immediately available, and to be expended under the direction of the Commissioner of the Interior, with the approval of the Governor.

SECTION 4.—(53)—This Act shall be in force and effect from and after its passage.

Approved, February 27, 1902.

AN ACT

DEFINING THE METHOD OF THE RENDITION AND APPROVAL OF CLAIMS FOR MEDICAL AUTOPSIES AND EXHUMATIONS, AND PROVIDING FOR REGULATIONS GOVERNING THE PAYMENTS THEREOF.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(54)—That no claim for a medical autopsy shall be allowed or paid from the insular treasury unless the same shall be made upon the order of a competent judge and the account or voucher therefor approved by the presiding judge of the district court of the district in which such autopsy shall be performed.

SECTION 2.—(55)—The Attorney General of Porto Rico shall specially approve every claim, account, or voucher, for medical autopsies performed, as provided in section 1 of this Act, before the payment of the same, and he shall require sufficient legal proof of the rendition of the services and the value thereof; *Provided*, that the fee for medical autopsies in any one case shall be five dollars. Where it is necessary that a body be exhumed for the purpose of performing an autopsy, or medical examination, and it is ordered by a competent court and the account or voucher therefor is approved by the presiding judge of the district court of the district in which the exhumation is made, there shall be paid for such exhumation and autopsy, or medical examination, the sum of fifteen dollars.

SECTION 3.—(56)—The Attorney General of Porto Rico shall prepare and issue suitable regulations defining the cases in which autopsies and exhumations shall be ordered and for which the fees as aforesaid may be lawfully charged.

SECTION 4.—(57)—All laws, decrees, orders and regulations, or parts thereof, in conflict with this Act, are hereby repealed.

SECTION 5.—(58)—This Act shall be in force and effect from and after July first, nineteen hundred and two.

Approved, February 26, 1902.

AN ACT

TO PROVIDE FOR THE CELEBRATION OF ARBOR DAY BY THE CHILDREN OF THE PUBLIC SCHOOLS OF PORTO RICO.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(59)—That the first Friday of the month of December in each year shall be known throughout the island as Arbor Day, and it shall be a holiday in all the public schools in charge of the Commissioner of Education.

SECTION 2.—(60)—That it shall be the duty of the said Commissioner to cause the scholars in every public school in the island to be assembled in the school buildings, or elsewhere, as he may deem proper, and to provide for and conduct, under the general supervision of the local school board, or other chief officers having the general oversight of the public schools in each municipality or district, such exercises as shall tend to encourage the planting, protection and preservation of trees and shrubs, and an acquaintance with the best methods to be adopted to accomplish such results.

SECTION 3.—(61)—That the Commissioner of Education shall have power to prescribe from time to time

a course of exercise and instruction in the subjects hereinbefore mentioned, which shall be adopted and observed by the public school authorities on Arbor Day and upon receipt of copies of such course, sufficient in number to supply all the schools under their supervision, the school supervisors shall promptly provide each of the schools under their charge with a copy and shall cause it to be observed.

SECTION 4.—(62)—That this Act shall take effect from and after its passage.

Approved, March 1, 1902.

AN ACT

TO ESTABLISH AND MAINTAIN AN ASYLUM FOR THE INDIGENT BLIND OF PORTO RICO.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(63)—That there shall be established and maintained by the People of Porto Rico a charitable institution which shall be known and designated as “The Insular Asylum for the Indigent Blind.”

SECTION 2.—(64)—That the object of this institution shall be to provide house, shelter and subsistence to indigent blind persons, who shall, at the time of application for admission to the asylum, have been actual *bona fide* residents of this island for two years, next preceding such application, and who have become through poverty, want and actual destitution or otherwise dependent upon public or private charity.

SECTION 3.—(65)—That the management of the asylum shall be vested in the director of charities and it shall be in all matters subject to the Act of the Legislative Assembly of Porto Rico, entitled, “An Act

to abolish the Board of Charities of Porto Rico, to create the office of the Director of Charities and for other purposes", except as otherwise provided for by this Act.

SECTION 4.—(66)—That such asylum for the indigent blind shall be located at the city or town whose duly constituted authorities shall furnish a suitable building, or part thereof, and lighting for same free of rental to the People of Porto Rico; such proffer to be made to the Governor within two months after this Act shall have taken effect; *Provided*, that if two or more propositions shall be made, the Governor shall select the one which in his opinion shall be most advantageous to the interests of the institution and to the People of Porto Rico, and provided, further, that if such proffer shall not be made or in the opinion of the Governor no proposition made be acceptable, then such asylum for the indigent blind shall be located at the city of San Juan, in such public building, or part thereof, as the Governor may deem suitable for the purposes of the institution, and which may be designated and assigned by him.

SECTION 5.—(67)—That the Commissioner of the Interior is hereby authorized and directed to cause to be made in the building, or part thereof, which may be selected for the asylum provided for in this Act, such alterations and improvements as may be necessary for the purposes of the institution and the suitable accommodation of the inmates, and he shall properly furnish and equip same. *Provided*, that such alterations, improvements, equipment and furnishing shall be in accordance with plans and estimates of the cost thereof, to be prepared by the president of the Board of Public Works and the Director of Charities and approved by the Executive Council. And to carry into effect the provisions of this section, the sum of five thousand dol-

lars or so much thereof as may be necessary is hereby appropriated out of any money in the treasury not otherwise appropriated, the same to be immediately available and to be expended by the disbursing officer of the Board of Public Works, under the direction of the Commissioner of the Interior.

SECTION 6.—(68)—That all applications for admission to said asylum shall be made to the Director of Charities, who shall inquire into the condition of such applicants, and if upon inquiry it shall be found that the applicant, is poor and destitute, that he or she is unable to earn a livelihood, that he or she has no relative or person whose duty should be to care for him or her, and that the said applicant is dependent upon public or private charities for his or her maintenance, then the said Director of Charities shall admit said applicant into the said asylum; *Provided*, that the accommodations of and the funds available for the institution are sufficient to permit of such admission, and that the number of indigent blind persons in the asylum shall at no time exceed one hundred and fifty, and provided further that the admission of all applicants to the asylum shall be in accordance with the provisions and requirements of section 9 of this Act, respecting apportionment.

SECTION 7.—(69)—That the actual and necessary expenses which may be incurred under the authority of the Director of Charities, in taking or sending to the asylum such blind persons as may be admitted thereto in accordance with the provisions of the preceding section, shall be paid by the disbursing officer of the Director of Charities from the appropriation or appropriations which may be provided by law for the contingent expenses of the asylum.

SECTION 8.—(70)—That the Director of Charities shall with the approval of the Executive Council appoint an oculist for the asylum and who shall be skilled in his profession and whose compensation shall be fixed by the Executive Council. The oculist shall regularly attend the inmates of the asylum and administer treatment in all cases which in his judgment require it.

SECTION 9.—(71)—That the Director of Charities, in admitting applicants into the asylum in accordance with the provisions of section 6 of this Act, shall apportion the number of inmates among the several municipal districts of the island, or other local divisions thereof which may hereafter be created by law, in proportion to the population of each as determined by the last United States census. And in case the accommodations for inmates so apportioned and assigned to any municipality, or local division, shall not be used or filled by applicants therefrom, such accommodations shall remain vacant for the use of such municipality or local division for a period of one year from the opening of said asylum, after which time such accommodations may be assigned as applications are filed; *Provided*, however, that when a vacancy, subsequently occurs in the representation of any municipality, having more than its quota of inmates, such vacancy shall be filled by an applicant from some municipality having less than its quota.

SECTION 10.—(72)—That in order to pay the salaries of the oculist and other necessary officers and employees of the asylum for the fiscal year beginning July first, nineteen hundred and two, and ending June thirtieth, nineteen hundred and three, and to provide for the cost of subsistence, clothing, treatment and care of inmates, and the necessary incidental

expenses of the institution, the sum of twenty-two thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, to be disbursed by the disbursing officer of the Director of Charities, subject to his direction and approval. *Provided*, that on or before the first day of June, nineteen hundred and two, the Director of Charities shall prepare and submit to the Executive Council for its approval a detailed list of the necessary officers and employees of the asylum, including the oculist, with an estimate of the annual salaries of each, and also an itemized estimate of the amount required for subsistence, clothing, treatment and care of inmates of the institution and necessary incidental expenses, the total amount not to exceed the sum herein appropriated. The Executive Council shall approve the number of salaried officers and employees of the institution, and fix the salary of each, and the aggregate amount of the salaries so fixed shall be carried on the books of the Treasurer and Auditor, under the head of "Salaries, Insular Asylum for the Indigent Blind", and the remainder of the appropriation of twenty two thousand dollars herein provided shall be carried on said books under the head of "Contingent Expenses, Insular Asylum for the Indigent Blind".

SECTION 11.—(73)—That all laws, decrees, general orders, or parts thereof in conflict with this Act be and the same are hereby repealed.

SECTION 12.—(74)—This Act, except as otherwise provided in the preceding sections hereof, shall be in force and effect from and after March first, nineteen hundred and two.

Approved, February 25, 1902.

AN ACT

MAKING CERTAIN PUBLIC CEMETERIES FREE.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(75)—That all cemeteries of the island of Porto Rico which have been constructed with municipal funds, and are at present under the administrative direction and financial control of said corporations, shall be declared free for the inhumation or exhumation of human remains without religious restrictions of any kind, subject only to the regulations of public health and civil registry; *Provided*, that religious ceremonies of any kind are not prohibited in any cemetery.

SECTION 2.—(76)—All laws or parts thereof, orders or circulars or parts thereof in conflict with this Act are hereby repealed.

SECTION 3.—(77)—This law shall take effect from and after its passage.

Approved, January 30, 1901.

AN ACT

TO AUTHORIZE THE CONDEMNATION AND USE OF LANDS FOR CEMETERY PURPOSES.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(78)—That the Superior Board of Health of Porto Rico, or its legal successor, or the mayor and council of any municipality, city or town in Porto Rico, or the county officers, if any, is hereby empowered to condemn such real estate as may be necessary for the establishment and maintenance of civil cemeteries in

Porto Rico, under and in accordance with the provisions of this Act.

SECTION 2.—(79)—Proceedings shall be instituted in the name of the People of Porto Rico, by a petition to the Governor, signed by the president of the Superior Board of Health, or the mayor and council of the municipality, city or town for the accommodation of which the proposed cemetery is to be established, approved by the Superior Board of Health or its successor in office, and setting forth the following facts.

1—The name and location of the municipality, city, town or barrio for the use and accommodation of which a cemetery is proposed to be established.

2—A specific description of the property and its location, with metes and bounds.

3—The public use for which such property is required, a concise statement showing the facts making necessary acquisition for the purpose stated, and the need of its immediate expropriation.

4—The names and places of residence of the owners of the property; in case of minors, lunatics, idiots and habitual drunkards, those of the guardians, committees or trustees, as the case may be; in the case of a non-resident, that of his agent or attorney residing in Porto Rico duly authorized to contract for the sale of the property. When a non-resident has no agent or attorney, or such agent or attorney is unknown, such facts should be set forth together with proof that due notice to such non-resident owner has been published not less than ten days in one or more newspapers published in the town nearest the property in question that such condemnation proceedings are about to be instituted.

5—That all proper efforts have been made to secure

said property by purchase, and the reasons why said purchase could not be effected.

6.—The value of the property to be condemned, as estimated by the petitioner, with a statement showing that it is the bona fide intention of the petitioner to complete the work and utilize the property for the purpose named in the petition.

SECTION 3.—(80).—If such petition is approved by the Governor, he shall endorse thereon authority for the Superior Board of Health, or the county authorities, or the mayor and council, to immediately enter upon, take, hold, convert and use the property described for the public purposes specified. The petitioner receiving such authority shall thereupon cause notice, with a copy of said petition and endorsement to be served upon the owner, agent or attorney of the said property to name an appraiser, who, with another appraiser to be named by the Superior Board of Health, will proceed to the property in question and appraise the value thereof, and determine the compensation to be made to the owner or owners of the property so taken. The appraisers, if they agree, will submit their report as soon as possible to the Governor, who, upon approval, will transmit it to the Auditor of Porto Rico for settlement. If the appraisers fail to agree, they shall immediately forward separate reports to the president of the district court within the jurisdiction of which said land lies, who will name a third appraiser, who, with the other two, will proceed to view the land and determine the value thereof. If two of the appraisers agree, their report shall be immediately forwarded to the Governor, who, upon approval, will transmit it to the Auditor of Porto Rico for settlement. If no two of the appraisers agree, they shall immediately forward separate

reports to the president of the district court of said district, and the court shall determine the value of the land and amount of damages, and render judgment thereon, which judgment shall be final. Or, should the owner feel aggrieved by the appraisement made, he may decline to accept the compensation so tendered, and file his appeal from the appraisers' decision before the district court of said district within thirty days after said tender, praying an adjudication of the value of said land. It shall be the duty of the fiscal of the district court to represent the People of Porto Rico in the proceedings. The district court may try any issue raised by the petition and by the answer of the fiscal at such time as the court may direct, and render judgment thereon, which judgement shall be final. In either case the court shall issue to the petitioner a certificate setting forth the judgment awarded and costs, and upon presentation thereof to the Auditor, he shall proceed to settle and certify the same for payment.

SECTION 4.—(81)—In addition to the value and damages determined by the court, interest may be allowed to the owner or owners at a rate not exceeding six per cent per annum upon the amount so adjudged from the date of occupation to, and including the date of judgment, and the total amount of judgment, interest, and cost as certified by the court and paid by the Treasurer of Porto Rico shall be entered upon the books of the Treasurer as a charge against the municipality, city or town for the use and benefit of which the said land was condemned and appropriated, and be deducted from any funds on hand or that may thereafter come into the treasury of Porto Rico, from any source, to the credit of said municipality, city, town, or county.

SECTION 5.—(82)—A sum sufficient to carry out the

provisions of this Act is hereby appropriated out of any moneys in the treasury not otherwise appropriated.

SECTION 6.—(83)—All laws, orders or decrees, or parts of the same, in conflict with this Act are hereby repealed.

SECTION 7.—(84)—This Act shall be in force from and after its passage.

Approved, January 31, 1901.

AN ACT

TO PROVIDE FOR THE COMPILATION, REARRANGEMENT AND PUBLICATION OF THE CODE AND OTHER LAWS.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(85)—The Secretary of Porto Rico and the joint committee heretofore appointed by the Legislative Assembly to consider and report upon the report of the Code Commission shall have full power and authority to compile and arrange the statutes passed at both the regular and the extraordinary session of the first Legislative Assembly of Porto Rico, and to arrange in proper form and in their places all Acts properly a part of the Political Code, the Civil Code and the Penal Code and Code of Criminal Procedure, for publication, excepting such statutes as may have been specially repealed, and with authority in such compilation and arrangement to change the numbering of parts, divisions, titles, chapters, articles, and sections. An index to each of the said codes and one general index to all of said codes shall also be prepared.

SECTION 2.—(86)—The said Secretary and said joint committee are hereby authorized and instructed to prepare and arrange the said statutes for publication and

are authorized also to have published with them the Organic Act for Porto Rico, together with any and all Acts of Congress specially pertaining to Porto Rico.

SECTION 3.—(87)—The said statutes as thus compiled and arranged shall be published in Spanish and English in separate volumes.

SECTION 4.—(88)—The required compilation and arrangement for publication shall be completed as soon as practicable after the first day of April, and the Secretary shall then immediately contract for the publication of the said arranged statutes with the lowest responsible bidder therefor, providing such contract for printing shall specify that five hundred sets shall be printed published and delivered to the Secretary on or before August first, 1902; the typesetting, printing, and binding of said codes shall be done within Porto Rico.

SECTION 5.—(89)—On the certificate of the Secretary of Porto Rico that he has received five hundred sets of said codes in the several languages, printed and bound in accordance with the contract, the Auditor is directed to draw his warrant in favor of the publisher, for the amount of money due him under the contract as is required by law, said amount being hereby appropriated out of any funds in the treasury not otherwise appropriated.

SECTION 6.—(90)—The publisher to whom the contract is awarded must execute to Porto Rico a good and sufficient bond, in the sum of two thousand dollars conditioned for the faithful performance of the contract.

SECTION 7.—(91)—The Secretary of Porto Rico upon the receipt of the said published codes shall distribute the same, or so many of them as may be necessary, as prescribed by law, and surplus copies of the code shall be sold at the price fixed by him, which shall conform

as nearly as possible to cost, or they may be exchanged with libraries as required by law.

SECTION 8.—(92)—This Act shall take effect from and after its passage.

Approved, March 1, 1902.

JOINT RESOLUTION.

JOINT RESOLUTION NO. 5. AS TO THE ENROLLMENT AND ENGROSSMENT OF THE POLITICAL, THE CIVIL, AND THE CRIMINAL PROCEDURE CODES REPORTED BY THE JOINT COMMITTEE OF THE LEGISLATIVE ASSEMBLY.

Be it resolved by the Executive Council and the House of Delegates of Porto Rico assembled in the Legislative Assembly:

(93)—That a printed copy respectively of the Civil Code the Political Code the Penal Code and the Code of Criminal Procedure, reported by the Code Commission appointed under the Act of 1901, as the same shall have been amended in the Legislative Assembly, with the said amendments indicated on the said printed copies in manuscript, type or pen writing, shall, if duly passed, be signed by the President of the Executive Council and the Speaker of the House of Delegates, and it shall not be necessary to enroll and engross the text of the said Acts as amended, but the signatures of the presiding officers attached to a printed copy of the aforesaid Acts, with the amendments indicated as aforesaid, shall have the same force and effect as though attached to an enrolled and engrossed copy, and the printed copy of each code signed as aforesaid shall, on receiving the approval of the Governor, be deemed and

considered as the original and the duly enrolled enactments of the Political Code, the Civil Code, the Penal Code and the Code of Criminal Procedure respectively.

Approved, March 1, 1902.

AN ACT

IN REFERENCE TO THE SUPREME COURT OF PORTO RICO.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(94).—Three members of the Supreme Court of Porto Rico shall hereafter constitute a quorum.

SECTION 2.—(95).—All laws and orders or parts of laws and orders in conflict with this Act are hereby repealed.

Approved, January 31, 1901.

AN ACT

TO PROVIDE FOR THE ORGANIZATION OF POLICE COURTS IN THE ISLAND OF PORTO RICO.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(96).—That so much of General Orders Number 195 of November 29th, 1899, as authorizes the alcalde of each city and town of Porto Rico to act as the police court, and provides that there shall be no appeal from the decisions of such police court, is hereby repealed.

SECTION 2.—(97).—The Governor, by and with the advice and consent of the Executive Council, shall appoint a police judge, and there shall be a police court

in each city and town where there now exists a municipal tribunal. Police judges shall be appointed for a term of two years unless sooner removed by the Governor.

SECTION 3.—(98)—The police judge appointed under the authority conferred by section 2 of this Act, shall have jurisdiction of all offences triable by the police court pursuant to said General Orders 195 of November 29th, 1899, and of any other offences under the municipal ordinances of any city wherein his jurisdiction extends.

SECTION 4.—(99)—The police court shall be open for the disposition of business before it, each and every forenoon in the week, except on Sundays, and all offences cognizable by the police court shall be promptly inquired into, heard and decided.

SECTION 5.—(100)—The judges of the police courts shall receive no fees or perquisites of any kind whatsoever, except their salaries, which are hereby fixed as follows:

For San Juan, Ponce, Mayagüez, seven hundred and twenty dollars per annum.

For Arecibo and Humacao, six hundred dollars per annum.

For all other places, four hundred and eighty dollars per annum.

The salaries of police judges shall be paid monthly out of the local municipal treasury, and all fines and costs collected from any source by the police court shall be paid into the local treasury by the secretary of the police court on or before the first day of each month for the month next previous to the date of payment.

SECTION 6.—(101)—There shall also be a secretary to each police court. He shall be appointed by the po-

lice judge and shall hold his office at the pleasure of the judge who appointed him. The secretary shall have the power to take information on which warrants for the arrest of persons charged with the commission of a crime may be issued by the police judge. He shall also have power to issue and sign subpoenas, to administer oaths to witnesses, and to make and sign commitments and certificates of conviction when ordered by the court, and to certify to and sign copies thereof for the execution of any judgment rendered in the police court.

SECTION 7.—(102)—The secretary of the police court shall be paid an annual salary, payable monthly out of the local treasury as follows:

The secretaries for the courts at San Juan, Ponce and Mayagüez, six hundred dollars per annum.

The secretaries of the courts at Arecibo and Humacao, four hundred and eighty dollars per annum; and all other secretaries for such courts shall receive three hundred and sixty dollars per annum, payable monthly, and they shall receive no other compensation by reason of their official duties.

SECTION 8.—(103)—The secretary of the police court shall give a bond to the city for the faithful performance of the duties of his office, in such form and for such sum, and with such sureties as shall be prescribed and approved by the city council. His bond shall be deposited with the secretary of the city council. He shall render monthly itemized accounts of all moneys, fines, costs or other sums collected by him as secretary from any source, and shall furnish one copy of such report to the Attorney General of Porto Rico, and one copy to the council of the town. Such accounts of moneys shall be always sworn to by the secretary as

true and correct in all respects; but nothing herein contained shall prevent the payment of fines into the city treasury where the person fined wishes to make payments in such manner and where receipt is furnished to the secretary of the police court that the sum due has been so paid directly to the treasury.

SECTION 9.—(104)—In all cases of arrest for violation of police or municipal ordinances, the police judge, or if he be not immediately accessible, the secretary of the police court, or the officer exercising the function of chief police authority of the municipal district is authorized to, and if offered, must take bail in the form of a deposit of ten (10) dollars in money, or a written undertaking from some responsible person for double that amount, conditioned on appearance before the police court on the day following the arrest, and all persons giving such bail shall be immediately discharged from custody. All appearance bonds or deposits of money made in lieu thereof shall remain in the hands of the secretary, and upon the appearance of the defendant at the time specified, the police judge shall order the bond exonerated or the return of the deposit.

SECTION 10.—(105)—The local police authority shall assign to the police court such police officer or officers as may be necessary for the serving of writs, summonses, and subpoenas, or for any other purposes which the Attorney General may prescribe. If there are no municipal police within the city or town, then the chief of the insular police may designate an insular policeman to perform such duties.

SECTION 11.—(106)—In all cases of violations of police ordinances where the punishment is a fine of over five dollars, or of imprisonment for any length of time, the defendant may appeal from the judgment of

the police court to the district court any time within two days after judgment is rendered.

SECTION 12.—(107)—An appeal is taken by the defendant by giving notice in open court of his intention so to do, at the time of the rendition of the judgment, and by filing with the justice within two days thereafter a written notice of appeal.

SECTION 13.—(108)—When the appeal is from a judgment for fine, the defendant must within two days after the rendition of the judgment file with the secretary of the district court and undertaking to the people of the town wherein the police court is sitting, with two sufficient sureties, to the amount of fine and costs, to the effect that the defendant will pay the same or such part thereof as the district court may direct, or if the appeal is dismissed, that judgment may be entered against such sureties in the district court. In all cases the undertaking must be approved by the police judge or the secretary of the court, or a judge of the district court. A deposit of money equal to the amount required by such undertaking shall be taken as equivalent thereto.

SECTION 14.—(109)—If on appeal judgment is rendered against defendant, or if the appeal is dismissed, the district court must also render a judgment against the sureties for the amount of fine and costs.

SECTION 15.—(110)—When the appeal is from a judgment of imprisonment and any district judge is satisfied that there is reasonable doubt whether the judgment should stand, but not otherwise, the district court may take from the defendant a written undertaking in such sum not exceeding one hundred (100) dollars with such sureties as it may approve, or a deposit of money equal in amount, that the defendant will abide the

judgment of the district court upon appeal and may thereupon order that he be discharged from imprisonment on service of the order upon the officer having him in custody, or if he be not in custody, that all proceedings on the judgment be stayed.

SECTION 16.—(111)—If judgment of acquittal is given or judgment imposing a fine only, without imprisonment, for non-payment, and the defendant is not detained for any other legal cause, he must be discharged as soon as judgment is given, and if the court certify in the minutes that the prosecution was malicious or without probable cause, it may order the prosecutor to pay the costs of the action or to give satisfactory security by a written undertaking with one or more sureties to pay the same within ten days after the trial.

SECTION 17.—(112) All undertakings must be filed with, and all money deposited in lieu thereof, shall remain in the custody of, the secretary of the court, who shall within five (5) days thereafter give notice to the fiscal of the district court that such bond has been filed or such money deposited, which notice shall give the name of the defendant and sureties, the offence for which the defendant was charged, and the amount of the bail given.

SECTION 18.—(113)—As soon as the conditions of the undertakings provided for in sections 13 and 15, have been fulfilled pursuant to the judgment of the district court, the said court shall direct the exoneration of the bond, or when a money deposit has been made in lieu thereof, shall direct the secretary to return the same to the party by whom it was deposited.

SECTION 19.—(114)—All laws and orders, or parts of laws or orders, in conflict with this law, be, and the same are hereby repealed.

SECTION 20.—(115).—This Act shall take effect on the first day of April, A. D. 1901.

Approved, January 31, 1901.

AN ACT

AUTHORIZING THE PUBLICATION OF THE DECISIONS OF THE SUPREME COURT OF PORTO RICO AND OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PORTO RICO, AND MAKING AN APPROPRIATION THEREFOR.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(116).—All opinions delivered by the Supreme Court of Porto Rico since August ninth, eighteen hundred and ninety-nine, as may be deemed by the said court advisable to be preserved in printed form, together with memorandum of such opinions as are not printed in full shall be published, in the Spanish and English languages, each opinion to be preceded by a proper syllabus or analysis thereof.

SECTION 2.—(117).—The said court shall cause to be transmitted to the Department of Justice as soon as possible after the passage of this Act, certified copies of the opinions so designated, and they shall be prepared for publication forthwith. The said court shall also cause to be transmitted to the said department certified copies of all opinions announced or entered by the said court after the date hereof and whenever a sufficient number of said opinions have been received to constitute a volume, they likewise shall be prepared for publication.

SECTION 3.—(118).—The volumes so published shall be known and cited as "Porto Rico Reports" or "Sen-

tencias del Tribunal Supremo de Puerto Rico" and shall be numbered consecutively as published; each volume shall be properly indexed in Spanish and English. The Attorney General may designate a judge of the Supreme Court, or in case of the inability of the judges of that court to act, some other person, as the reporter for such volumes, and it shall be the duty of said reporter to supervise the preparation of said opinions for publication.

SECTION 4.—(119).—One of each volume of reports so published shall thereafter be furnished by the Attorney General to the President of the United States, and to each member of his Cabinet; the judges of the Supreme Court of the United States and its library; the Congressional Library; the Governor of Porto Rico; the judge of the United States District Court for the district of Porto Rico; each of the judges and fiscals of the Supreme Court of Porto Rico; each of the judges and fiscals of the district courts of the island; one to the Speaker of the House of Delegates and to each member of the Legislative Assembly; each head of department of the government of Porto Rico and each municipal court. He shall also exchange the said reports with the different States, Territories and insular possessions of the United States. He shall also supply said reports to lawyers and officers of the insular and municipal governments of Porto Rico at not to exceed two dollars and fifty cents (\$2.50) per volume, and to other purchasers at cost; *Provided*, that in no case shall he publish to exceed one thousand (1,000) copies of any volume.

All receipts from sales of such reports shall be deposited with the Treasurer of Porto Rico by the disbursing officer of the Department of Justice as miscellaneous receipts, and his accounts therefor, approved by

the Attorney General, shall be rendered to the Auditor.

SECTION 5.—(120).—If after the publication of the opinions of the Supreme Court of Porto Rico as hereinbefore provided there shall remain out of the money hereby appropriated a sufficient sum, there shall also be published in English and Spanish by said department, in a separate volume, duly indexed in English and Spanish and preceded by a proper syllabus or analysis, such opinions of the late Provisional Court of the United States and of the United States District Court for the district of Porto Rico as shall be deemed by the judge of the said district court advisable to be preserved in printed form; certified copies thereof to be furnished to said department, and from time to time as sufficient opinions are filed to constitute a volume, they shall be published; said volumes to be numbered consecutively in the order of their publication, and to be cited as “United States District Court Reports, Porto Rico;” and said volumes shall be distributed in the same manner as the “Porto Rico Reports.”

SECTION 6.—(121).—That the sum of five thousand (\$5,000) dollars, or so much thereof as may be necessary, be and hereby is appropriated, out of any moneys in the treasury not otherwise appropriated, to enable the said department to carry out the provisions of this Act; *Provided*, that the printing of said volumes, in accordance with the provisions of this Act, shall be done within the island of Porto Rico.

SECTION 7.—(122).—That this Act shall take effect upon and after its passage.

Approved, February 6, 1902.

AN ACT

FOR THE RELIEF OF CERTAIN EMPLOYEES AND FORMER EMPLOYEES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PORTO RICO.

Be it enacted by the Legislative Assembly of Porto Rico :

(123)—That the Auditor of Porto Rico be, and he is hereby, authorized and directed to certify for payment to the following named employees and late employees of the United States District Court for the district of Porto Rico, the respective amounts herein specified, being the difference between the amounts received by them from fees of the clerk's office and the amounts of the salaries of their respective offices, from December first, nineteen hundred, to March first, nineteen hundred and one, at the rates appropriated in the budget for the fiscal year ending June thirtieth, nineteen hundred and one, namely: to Ricardo Nadal, clerk, one hundred and eighty-five dollars and sixteen cents; to Antonio Aguayo, deputy clerk, one hundred and eight dollars and fifty-nine cents; to B. W. Bates, late deputy clerk, fifty-nine dollars and sixty-five cents; to Cony Sturgis, late deputy clerk, fifty-nine dollars and sixty-five cents; in all, four hundred and thirteen dollars and five cents, to be paid from the unexpended balance of the appropriation for salaries, United States District Court for the district of Porto Rico, for the fiscal year ending June thirtieth, nineteen hundred and one; *Provided*, that vouchers signed by the parties herein named and duly certified and approved by the judge of the United States District Court for the district of Porto Rico shall be furnished to the Auditor before the said amounts are certified for payment.

Approved, February 28, 1902.

AN ACT

CONCERNING THE LANGUAGE TO BE USED IN THE DEPARTMENTS,
COURTS AND OFFICES OF THE INSULAR GOVERNMENT.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(124)—That in all the departments of the insular government and in all the courts of this island, and in all public offices the English language and the Spanish language shall be used indiscriminately; and, when necessary, translations and oral interpretations shall be made from one language to the other so that all parties interested may understand any proceedings or communications made therein.

SECTION 2.—(125)—That competent interpreters and translators shall be employed, when necessary, by any and all the departments and the courts and the chiefs of public offices to carry out the purposes of this Act.

SECTION 3.—(126)—No public or private document written in either of the languages herein named shall be held void on account of the language in which it is expressed.

SECTION 4.—(127)—The word "written" as used herein, shall be held to refer to and include manuscript, type-writing, and printing, or combinations of any or all of them.

SECTION 5.—(128)—Nothing in this Act shall apply to the offices of any municipality or to municipal or police courts or the offices connected therewith.

SECTION 6.—(129)—This Act shall take effect from and after the first day of July, nineteen hundred and two.

Approved, February 21, 1902.

AN ACT

FIXING THE TERMS OF THE SUPREME COURT OF PORTO RICO.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(130)—The Supreme Court of Porto Rico shall hold five terms of the said court in each and every year, as herein designated.

SECTION 2.—(131)—The first term shall begin on the second Monday in January, and shall continue in session seven weeks.

SECTION 3.—(132)—The second term shall begin on the first Monday in March, and shall continue in session ten weeks.

SECTION 4.—(133)—The third term shall begin on the third Monday in May, and shall continue in session six weeks.

SECTION 5.—(134)—The fourth term shall begin on the first Monday in October, and shall continue in session six weeks.

SECTION 6.—(135)—The fifth term shall begin on the third Monday in November, and shall continue until the twenty-fourth day of December.

SECTION 7.—(136)—Nothing in this Act shall require the Supreme Court to sit, or to hold terms after all business has been disposed of, and adjournment may be taken at any time for not exceeding seven days, by orders properly made and entered of record.

SECTION 8.—(137)—When the volume of business renders it necessary, or any case of special importance requires it a special term of the Supreme Court may be called by the Governor for the dispatch of such business.

SECTION 9.—(138)—One of the justices of the Supreme Court shall always remain at the Capital when the court is not in session.

SECTION 10.—(139)—All laws and parts of laws, orders and parts of orders, in conflict or inconsistent with this Act, shall be and the same are hereby repealed.

SECTION 11.—(140)—This Act shall be in force and take effect from and after its passage.

Approved, March 1, 1902.

AN ACT

AUTHORIZING THE SUPREME COURT TO MAKE RULES AND REGULATIONS FOR THE DISPATCH OF BUSINESS BEFORE IT, AND FOR OTHER PURPOSES.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(141)—That the Supreme Court and the Attorney General are authorized to make rules and regulations in relation to the internal administrative affairs of said court, and for the dispatch of the causes which come before it; and to prescribe the forms of writs necessary to make its orders and judgments effective. No rule promulgated under this Act shall be valid if in conflict with the laws.

SECTION 2.—(142)—Until it shall be otherwise provided by law, the Supreme Court and the Attorney General may make all necessary rules concerning the translation and certification of the records in causes pending before it which may be carried by appeal or by writ of error or by certiorari or otherwise, to the Supreme Court of the United States for a review of its judgments, pursuant to the "Act to provide temporary revenues for the Island of Porto Rico and for other

purposes", enacted by the Congress of the United States and approved April twelve, nineteen hundred.

SECTION 3.—(143)—That this Act shall take effect from and after its passage.

Approved, February 27, 1902.

AN ACT

DEFINING THE OFFENCE OF CONTEMPT OF COURT AND PROVIDING
FOR THE PUNISHMENT THEREOF.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(144)—The Supreme Court, the district courts, and any court of record duly established in Porto Rico, shall have the power to punish for criminal contempt, any person or persons guilty of any of the following acts:

1. Breach of the peace, noise or other disturbance directly tending to interrupt its proceedings, or disorderly, contemptuous or insolent conduct towards a court or justice thereof, in its presence or during its session, and tending to interrupt its proceedings.
2. Wilful disobedience of, or resistance offered to or exerted against any lawful writ, mandate or order issued or made by any such court in a suit or action pending therein.
3. Scurrilous or libelous criticism of the orders, judgments, writs or proceedings of any court published in any public print or newspaper or circular for circulation, tending to bring the court or any of its members into undeserved disrepute.

4. The unlawful or contumacious refusal of any person to be sworn or properly qualified as a witness in any cause pending in such court, or after being sworn or qualified, the refusal without lawful excuse, to answer any legal interrogatory.
5. The wilful publication of any false or grossly inaccurate report of judicial proceedings:

Provided, however, that the publication of any true and fair report of any judicial proceeding shall not be punishable as a contempt.

SECTION 2.—(145)—The Supreme and district courts of Porto Rico shall have authority to punish a contempt against their authority by imprisonment not exceeding the period of thirty (30) days in the local jail nearest to such court, or by a fine not exceeding two hundred (\$200) dollars or by both such fine and imprisonment, in the discretion of such court. Any other court of record shall have authority to punish a contempt of court, as hereinbefore described, directed against such court, by a fine in a sum not exceeding twenty-five (\$25) dollars and in case of default in payment of such fine, the person adjudged guilty of such contempt may be imprisoned in the local jail nearest to such court not exceeding the period of ten (10) days.

SECTION 3.—(146)—When a criminal contempt is committed in the immediate presence and view of the court, the punishment therefor may be inflicted immediately by the court or the presiding judge thereof. When such contempt is not so committed, the person or persons charged therewith must be notified of the accusation and be given reasonable time to defend against such charge; and whenever a person is fined or committed to jail for a contempt of court, an order or warrant

for such fine or imprisonment must be signed by the judge delivering such sentence, setting forth the act or acts constituting such contempt, with the time and place of the commission thereof, and the circumstances thereof, and specifying the sentence of the court; otherwise such sentence will be wholly invalid and inoperative.

Punishment for a contempt of court under this section shall not bar a criminal prosecution for the same offence conducted by the fiscal of the proper jurisdiction, but where a person so punished is convicted upon such additional prosecution, his previous punishment under this Act shall be taken into consideration by the court pronouncing the sentence against him.

SECTION 4.—(147)—All laws, decrees, orders, or parts thereof, in conflict with this Act or any of the provisions thereof, are hereby repealed.

SECTION 5.—(148)—This Act shall take effect and be in force from and after its passage.

Approved, March 1, 1902.

AN ACT

TO PROVIDE FOR THE SETTLEMENT OF CERTAIN CLAIMS
AGAINST THE ISLAND OF PORTO RICO.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(149)—It is hereby made the duty of the Board of Charities to examine into any and all claims for medicines and other necessary supplies furnished to the sufferers from the hurricane of August, 1899, and now pending and unsettled before the insular government.

SECTION 2.—(150)—It shall also be the duty of the said Board of Charities to make a recommendation in each claim, advising payment or rejection, in part or in whole, as shall seem to the said board to be right and proper.

SECTION 3.—(51)—After the said board shall have determined whether a claim shall be paid or not, it shall file its conclusions with the Auditor of Porto Rico, who shall audit the said claim, and, with the approval of the Governor pay the same, or refuse to pay the same, as the Governor may direct.

SECTION 4.—(152)—For the purpose of liquidating any claims which may be found to be justly due to claimants under the provisions of this Act, the sum of two thousand dollars, or as much thereof as may be necessary, is hereby appropriated out of any funds not otherwise appropriated.

SECTION 5.—(153)—All laws or parts of laws, or orders or parts of orders, in conflict with this Act, be, and the same are hereby repealed.

SECTION 6.—(154)—This Act shall take effect from and after its passage.

Approved, January 28, 1901.

AN ACT

TO PROVIDE FOR COMMISSIONERS FOR PORTO RICO.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(155)—The Governor may appoint in each of the States and Territories of the United States one or more commissioners, who shall hold their offices

for four years from the date of their respective appointments, unless sooner removed by the Governor.

SECTION 2.—(156)—Every such commissioner shall, within three months from his appointment, take and subscribe an oath or affirmation before a justice of the peace or other magistrate of the city or county where he resides, or before a clerk of a court of record within the State or Territory where he resides, faithfully to discharge the duties of his office, and shall cause to be prepared an official seal upon which shall appear his name, the words "Commissioner for Porto Rico" and the name of the State or Territory and city or county in which he resides. An impression of such seal, together with the commissioner's oath of office and signature, shall forthwith be transmitted to and filed in the office of the Secretary of this island.

SECTION 3.—(157)—Such commissioner may, in the State or Territory for which he is appointed, administer oaths and take depositions, affidavits, and acknowledgments of deeds and other instruments, to be used or recorded in Porto Rico, and the proof of such deeds when the grantor refuses to acknowledge the same; and all oaths, depositions, affidavits, acknowledgments, and proofs so administered or taken, and certified by such commissioner under his official seal, shall be as effectual as if administered or taken and certified by the proper officers of this island.

SECTION 4.—(158)—Every person appointed a commissioner by the Governor, shall be notified by the Secretary of the island of his appointment, and if he does not, within three months from the date of such appointment, take and subscribe the oath required to qualify him to execute the duties of the office to which he has been appointed, his appointment shall be null

and void, and the Secretary shall forthwith notify him thereof and request him to return his commission to be cancelled, and shall also certify said facts to the Governor.

SECTION 5.—(159)—Commissioners appointed under section 1, shall be allowed the following fees:

For administering oaths and certifying the same under their official seal, one dollar for each; for taking acknowledgments of deeds and other instruments, and certifying the same under their official seals, one dollar for each; for each written page contained in any deposition or affidavit taken by them, fifty cents; for administering the oath or affirmation to each deponent, one dollar; for authenticating, sealing up, and directing each deposition, one dollar; for services not hereinbefore specified, the same fees as are allowed to notaries public in the island of Porto Rico; but the court to which a deposition is returnable shall order further allowance therefor if it appears proper to do so.

SECTION 6.—(160)—All laws and parts of laws, orders and parts of orders in conflict with this Act be and the same are hereby repealed.

SECTION 7.—(161)—This Act shall take effect from and after its passage.

Approved, January 31, 1901.

AN ACT

TO PROHIBIT THE EXPLOITATION OF MINOR CHILDREN AND FOR OTHER PURPOSES.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(162)—Begging by children of either sex, under sixteen years of age, whether of their own

will or otherwise, is hereby prohibited. The police shall report all violations of this Act, to the police judges, who shall give warning to the parents, or persons in charge or guardians of said children for the first offense to prohibit such children from begging; and, if the offense be repeated, the said parents, guardians or persons in charge shall be fined in a sum of from five to fifteen dollars, or imprisonment not to exceed thirty days for each offense.

SECTION 2.—(163)—The exhibition of children of either sex, under sixteen years of age, in acrobatic feats endangering their lives, is hereby prohibited, and any person violating the provisions hereof shall be fined from five to fifteen dollars, or imprisonment not to exceed thirty days for each offense.

SECTION 3.—(164)—The sale or delivery of spirituous liquors to children of either sex, under sixteen years of age, in stores, restaurants, cafés, or any other public place, as well as their presence in such cafés or billiard rooms, is prohibited. Any person who shall violate this provision shall be fined from five to fifteen dollars, or imprisonment not to exceed thirty days for each offense.

SECTION 4.—(165)—The sale or delivery of cigars, cigarettes or tobacco in any manufactured form to children of either sex under sixteen years of age is prohibited, except upon the written order of an adult, which order shall be retained by the seller, and any person violating the provisions hereof shall be fined in a sum of from five to fifteen dollars, or imprisonment not to exceed thirty days for each offense.

SECTION 5.—(166)—No child of either sex, under sixteen years shall be compelled to work in agricultural factories and manufacturing establishments over six hours per day, three in the morning and three in the

afternoon. All persons who shall violate this provision shall be fined in a sum of from five to fifteen dollars, or imprisonment not to exceed thirty days for each offense.

SECTION 6.—(167)—No foreman, teacher or other person having under his charge the work, care or education of a minor under sixteen years of age, shall resort to inhumane treatment to compel such minor to work or to study. Any violation of the provisions hereof shall be punished with a fine of from five to fifteen dollars or imprisonment not to exceed thirty days for each offense.

SECTION 7.—(168)—The police courts shall impose the penalties for the which they have authority in accordance with the law entitled "An Act to provide for the organization of police courts in the island of Porto Rico", approved January thirty-first, nineteen hundred and one.

SECTION 8.—(169)—All laws or orders, or parts thereof, in conflict with this Act, are hereby repealed.

SECTION 9.—(170)—This Act shall take effect from and after its passage.

Approved, February 25, 1902:

AN ACT

PROVIDING FOR THE EDUCATION IN THE UNITED STATES OF CERTAIN PORTO RICAN YOUNG MEN.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(171)—That there shall be selected annually, as hereinafter provided, a number of poor young men of robust constitution and good conduct, who shall be sent to the United States and maintained there at the expense of the People of Porto Rico for a period not

to exceed five years devoted to the study of such subjects as the commission hereinafter provided may determine.

SECTION 2.—(172)—That the number of young men upon whom this privilege shall be bestowed, shall at no time be in excess of twenty-five, and the total expense in each case shall not exceed the sum of four hundred dollars per annum.

SECTION 3.—(173)—The young men thus selected shall be sent to the United States as soon as provisions have been made for them in accordance with this Act.

SECTION 4.—(174)—That the President of the Executive Council and the Speaker of the House of Delegates, together with the Commissioner of Education shall form a commission that shall prepare the rules under which these young men shall be selected and shall have charge of them during the time they are engaged in study under this Act.

SECTION 5.—(175)—That the sum of ten thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury of Porto Rico not otherwise appropriated, for the purposes of this Act, and the sum of one hundred dollars shall be paid each beneficiary upon his departure from Porto Rico, by the Treasurer, pursuant to law, upon the authorization of the Commissioner of Education provided in section 4, and the remainder of the sum in monthly installments in the same manner.

SECTION 6.—(176)—That the commission shall keep regularly informed of the conduct and progress of each beneficiary and secure all other data that they may consider necessary. They may also withdraw support from any beneficiary upon proper proofs being presented of misconduct or bad faith of any beneficiary under this Act.

SECTION 7.—(177)—This Act shall take effect from and after July 1, 1901.

Approved, January 30, 1901.

AN ACT

TO PROVIDE FOR THE EDUCATION OF CERTAIN YOUNG MEN AND WOMEN, IN THE UNITED STATES.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(178)—By and with the recommendation of the Commissioner of Education of the island of Porto Rico, there shall be sent from Porto Rico each year, twenty good and worthy young men and women, to the United States to be educated in the various arts and trades that may best qualify them to assist in the improvement of the conditions of Porto Rico.

SECTION 2.—(179)—Each person receiving said appointment shall receive from the general government of Porto Rico a sum not to exceed two hundred and fifty dollars per annum and shall pursue the studies or trades as agreed upon by the said Commissioner of Education, and the applicant, before finally receiving said appointment.

SECTION 3.—(180)—The colleges or institutions designated to which the said students shall attend are Hampton Institute, Hampton, Virginia, and Tuskegee Institute, Tuskegee, Alabama, and such other similar educational institutions as the Commissioner of Education may from time to time specify.

SECTION 4.—(181)—The Commissioner of Education shall have the right to cancel or withdraw the support at any time upon proper proofs being presented of misconduct or bad faith of any of the beneficiaries

included under this Act, subject to the approval of the Executive Council.

SECTION 5.—(182)—There shall be sent to the Commissioner of Education from the authorities of the college or institution at which the said students are in attendance, a quarterly report of the conduct and advancement of each student so attending.

SECTION 6.—(183)—The sum of five thousand dollars, is hereby appropriated from any moneys in the treasury not otherwise appropriated for the purposes of this Act, and the sum of one hundred dollars shall be paid upon the certificate of the Commissioner of Education, to each beneficiary to defray expenses when departing from Porto Rico to the college or institution, as agreed upon, and the remainder of the amount shall be paid upon the certificate of the Commissioner of Education by the Treasurer of Porto Rico pursuant to law, in monthly installments during the year, to each student included under this Act.

SECTION 7.—(184)—That the number of students who may receive the appointments shall at no time exceed twenty in number, ten young men and ten young women, and that no one shall receive the benefits of this Act for a longer term than four years.

SECTION 8.—(185)—The twenty beneficiaries referred to in section 1 shall in no case be sent from the same district or county, and the Commissioner of Education shall therefore confer this favor with the greatest equity among all the young persons of the island. A necessary qualification shall be that the parents of the beneficiaries thus favored shall be poor.

SECTION 9.—(186)—This Act shall take effect from the date of its passage.

Approved, January 30, 1901.

AN ACT

TO ESTABLISH A SYSTEM OF PUBLIC SCHOOLS IN PORTO RICO.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.--(187)--That there shall be established and maintained a system of free public schools in Porto Rico, under the direction and supervision of the Commissioner of Education, for the purpose of providing a liberal education for the children of school age in Porto Rico, for the establishment of higher institutions of learning, including colleges, universities, normal, industrial, mechanical, agricultural, and high schools, together with such other educational agencies as the Commissioner of Education may from time to time establish and direct.

SECTION 2.--(188)--The qualified voters of each school district shall elect at the regular municipal election next succeeding the passage of this Act three of their number as directors of the public schools of the district who shall serve without compensation and whose election shall be certified in the same manner as that of other officers elected at the same time. These three officers shall be known as the "school board". They shall proceed by lot to determine their tenure; one shall serve for three years, one for two years and one for one year, and at each succeeding annual election one director shall be elected as above provided to serve for three years; *Provided*, that from and after the passage of this Act the present school trustees shall serve until the school boards herein provided shall have been duly elected and organized.

SECTION 3.--(189)--Upon the first Tuesday of June in each and every year the school board of each school district shall meet and organize by taking an oath of

office and by electing from their own number a president and a secretary, and certify said organization and officers to the Commissioner of Education.

The school board shall meet monthly or oftener as required, and two shall constitute a quorum for the transaction of business. They shall elect one qualified voter, not a member of the board, treasurer of the district. The president and secretary shall perform all the duties usually appertaining to such officers, and make such reports to the Commissioner of Education as he may from time to time require.

The treasurer of the school board may be the treasurer of the municipality in which said school district shall be situated, and said treasurer shall, as treasurer of the school board, conform in every respect to the conditions and regulations provided by law for the regulation of his duties as treasurer of the municipality.

The treasurer of the school board shall pay only such amounts as are authorized in writing and signed by the president and secretary of the school board, and no account shall be allowed unless previously ordered at a regular or duly called meeting of said school board.

SECTION 4.—(190)—The school boards shall have charge of all school buildings in their respective districts. They shall have power to erect, repair, remodel and improve school property, rent buildings for school purposes, provide suitable furniture and equipment for the same, employ janitors for school buildings, pay house rent for teachers, erect and keep in good order suitable outbuildings, and in general shall perform such duties as the Commissioner of Education and the law may require.

SECTION 5.—(191)—For the performance of their

duties, it is hereby ordered that not less than ten (10) per centum and not more than twenty (20) per centum of all taxes collected and funds received from the insular treasury by any municipality shall be set aside, as collected, and designated as "school funds." The money or moneys thus set aside shall be kept as a separate fund, and shall be apportioned by the ayuntamiento among the respective school boards situated in said municipality, said apportionment to be based upon the number of schools actually in operation in the respective school districts; said separate funds shall be disbursed by the treasurer of the school district only upon the written authorization of the officers of the respective school boards in said municipality.

The exact percentage of "school funds" within the limits herein specified shall be fixed annually before the 20th day of June in each and every year by the ayuntamiento of the respective municipalities, and such per centum shall be the "school fund" for the succeeding school year. The accounts of the school board and the treasurer shall be audited and in every way treated as the accounts of all other municipal officers.

SECTION 6.--(192)--Each school board shall annually on or before July first, make a report to the Commissioner of Education specifying the number of schools they desire to open in their district for the next ensuing school year. This report shall specify the number of rural, graded, English, and principal teachers required, and the Commissioner of Education shall at once proceed to consider such report, informing the respective school boards not later than August first next ensuing, the number of schools and teachers they may in equity provide for their district.

SECTION 7.--(193)--A member of the school board

shall be removed from office by the district court when it is clearly demonstrated by proof upon charges preferred that said director is not performing his duties according to law. No person shall remain a member of the school board if he is, during his term of office, convicted of any felony or crime under the laws of Porto Rico. Proceedings for removal shall be made in the same manner as for vacancies.

SECTION 8.--(194)--Vacancies in the school boards, caused by death, resignation, removal from district, or failure to attend stated or called meetings for two months, shall be filled by appointment of the district court; such appointment shall be made upon nomination by the Commissioner of Education immediately upon the court being informed of such vacancy, and such appointee, who shall be a qualified voter of the school district, shall at once assume the duties of his office. Information of vacancies shall be considered, made when the school board, the supervisor or superintendent of schools, or a petition signed by five citizens shall have so reported to the court.

SECTION 9.--(195)--The school year shall in no case exceed ten months, and shall be as much less as the Commissioner of Education shall direct; *Provided* that in no case shall the school year be less than eight months, and provided further that the school board of any school district may extend the school year beyond the limit fixed by the Commissioner of Education and to the maximum limit herein provided; such extension of the school year shall be wholly at the expense of the district authorizing such extension.

SECTION 10.--(196)--The school day and the school year shall be such and be so divided as the Commissioner of Education may determine.

SECTION 11.—197—A school month shall consist of twenty days of actual teaching, legal holidays excepted. But no school shall be opened upon any Saturday or Sunday. Legal holidays within the meaning of this section shall be the following: New Year's Day, Washington's Birthday, Good Friday, Fourth of July, Twenty-fifth of July, Thanksgiving Day, Christmas and such other days as the Legislature may from time to time determine.

SECTION 12.—(198)—One school board shall be elected in each municipality at the next election for municipal officers, which board shall have jurisdiction over all schools in their municipality, unless additional boards are created as herein provided, in which case the new board shall have jurisdiction over the schools in the district so created.

SECTION 13.—(199)—A school district shall be contemporaneous with the municipality, and the school boards shall have jurisdiction over all schools within their respective districts; *Provided*, that any barrio or barrios may, upon petition to the Commissioner of Education, signed by not less than ten qualified voters of the proposed school district, be authorized by said Commissioner to organize and erect a new school district, in which case the jurisdiction of all schools within the new district shall be under the jurisdiction of the temporary school board that shall be appointed by the Commissioner of Education until the regular school board shall have been elected by the qualified electors of the said district.

SECTION 14.—(200)—The teachers of Porto Rico shall be designated as rural teachers, graded teachers, teachers of English and principal teachers. They shall all be persons of good moral character, and possessed of

the attainments required by law. They may be dismissed from office for cruelty, negligence, immorality or incompetency, upon investigating proceedings instituted by the Commissioner of Education, in which investigation the school board and the teacher shall be heard; such dismissal shall be made by the Commissioner of Education who may, if he so decide, suspend a teacher for the same reasons.

SECTION 15.—(201)—The salaries of all teachers shall be fixed by the Commissioner of Education; *Provided*, that teachers performing similar service shall receive the same salary and provided further that the salary of any teacher may be increased by the local school board above the sum set by the Commissioner of Education; in which case such increase shall be subject to the approval of the Commissioner of Education and shall be paid from the “school funds” herein provided, and not from the Department of Education.

SECTION 16.—(202)—A rural teacher shall receive not less than thirty (\$30) dollars per school month; for each month of actual service. Rural teachers shall pass an examination for a certificate to teach in the rural schools of Porto Rico in the following studies: English language, Spanish language, arithmetic, geography, history of the United States and of Porto Rico, and methods of teaching.

SECTION 17.—(203)—A graded teacher shall receive not less than forty (\$40) dollars per school month, for each month of actual teaching. Candidates for graded certificate shall pass an examination for a certificate to teach in the graded schools of Porto Rico in the following studies: English language, Spanish language, arithmetic, geography, history of the United States and of Porto Rico, and methods of teaching.

SECTION 18.—(204)—Teachers of English shall receive not less than forty (\$40) dollars per school month, for each month of actual service. Teachers of English shall be graduates of a first-class high school, normal school, college or university, or a teacher of extended experience holding a high grade certificate from some State of the United States, or they shall pass an examination in the English language, including writing, spelling, reading and grammar, arithmetic, geography, history of the United States, physiology and methods of teaching. In every village and city maintaining a graded system of schools there shall be at least one teacher of English, and as many more as the Commissioner of Education may appoint. All teachers of English shall be selected and appointed by the Commissioner of Education, and shall perform the duties he may assign to them. But in all other respects they shall be subject to the same conditions and regulations governing graded teachers.

SECTION 19.—(205)—Principals of graded schools shall receive not less than sixty (\$60) dollars per school month, for each month of actual service. Principals shall be graduates of an accredited normal school, college or university, or they shall pass an examination for a certificate to teach in the public schools of Porto Rico in the following studies: all the studies required for a graded certificate and in addition thereto, algebra, geometry, physiology, and such additional studies as the Commissioner of Education may require; *Provided*, that no additional study shall be required without giving at least six months notice of such additional studies. The principal of a graded system of schools shall perform such duties as the Commissioner of Education may specify.

SECTION 20.--(206)--Teachers, other than teachers of English, shall be selected for the schools of Porto Rico in the following manner: the school board by a majority vote shall, on or before July 1st, of each and every year, certify to the Commissioner of Education the list of teachers whom they desire to elect for the next ensuing school year. The Commissioner of Education shall return this list within thirty days with his approval or disapproval of each teacher so nominated, and the school board shall then proceed to elect for the schools of their respective districts, according to law, from the approved list received from the Commissioner of Education, the teachers for the next ensuing school year. Vacancies shall be filled in the same manner. No applicant for a school shall be certified to the Commissioner of Education by any school board unless said applicant possesses a legal certificate bearing the signature of the Commissioner of Education and the seal of the Department of Education.

SECTION 21.--(207)--All high institutions of learning established or to be established in Porto Rico shall be such and shall be so organized and conducted as the Commissioner of Education may from time to time determine, and he shall have full power to make effective this provision; *Provided*, that in no case shall the Commissioner of Education in the execution of this provision expend any sum in excess of that provided for education in Porto Rico.

SECTION 22.--(208)--School boards, from the funds at their disposal; shall pay the house rent or provide rooms for teachers as follows: the board may secure at a rent not to exceed in any case fifteen dollars per month, suitable building or rooms in which the teacher shall live, or, if they so elect, may, in lieu thereof, make a

cash allowance to teachers for house rent as follows: in all villages and rural districts not less than three and not more than eight dollars per month for each and every school month, in which the teacher is actually engaged. In all other places not less than six and not more than fifteen dollars per month for each and every school month in which the teacher is actually engaged. In all cases after July 1st, 1901, this allowance for house rent shall be paid from the "school funds" provided for in this Act, and said rent or allowance shall in every case be made a part of the agreement between the teacher, the school board and the Commissioner of Education, all of whom shall agree to the rent or allowance so specified.

SECTION 23.--(209)--The Commissioner of Education being required by Act of Congress of [May] April 12, 1900, to supervise education in Porto Rico, he shall, to comply with said Act appoint from time to time supervisors or superintendents of schools who shall be subject to the Commissioner in all respects; he shall prepare and promulgate all courses of study; conduct all examinations; prepare and issue all licenses or certificates to teachers; fix the salaries of teachers; select and purchase all school books, supplies, and equipments necessary for the proper conduct of education, approve all plans for public school buildings to be erected in Porto Rico; require and collect such statistics and reports from all school boards, supervisors or superintendents and teachers as he may require; and formulate such rules and regulations as he may from time to time find necessary for the effective administration of his office.

SECTION 24.--(210)--Immediately upon the passage of this Act the Commissioner of Education shall compile

and publish in pamphlet form in the English and Spanish languages the laws and regulations in force relating to public education in Porto Rico. Said pamphlet shall include this Act, and all additional rules, regulations and orders not in conflict with this Act, which the Commissioner of Education may, with the approval of the Executive Council, determine to be necessary to the effective operation of a system of schools in Porto Rico.

SECTION 25.—(211)—Teachers in the public schools of Porto Rico shall at all times treat their pupils humanely and kindly, and the Commissioner of Education shall provide such rules and regulations for the discipline of the pupils in the public schools as to enforce the spirit of this Act.

SECTION 26.—(212)—The Commissioner of Education, upon application of twenty young men, unable to attend day school for justified reasons, may establish a night school in each town, and may also close the same when the average attendance in any one month does not reach twelve students.

SECTION 27.—(213)—All laws, decrees and military orders, or parts of the same, in conflict with this Act, be, and the same are hereby repealed.

SECTION 28.—(214)—This Act shall take effect on and after March 25, 1901.

Approved, January 31, 1901.

AN ACT

TO ESTABLISH SCHOOLS FOR TRAINED NURSES.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(215)—That the Commissioner of Education with the advice of the Superior Board of Health

shall establish three schools for the training of nurses in the island of Porto Rico, one of which shall be located in the city of San Juan, another at Ponce and the third in the city of Mayagüez.

SECTION 2.—(216)—Said Commissioner of Education, upon nomination of the Superior Board of Health, shall employ three trained nurses graduated from schools in the United States of approved standing as instructors in said schools, and is hereby given the power to fix their compensation.

SECTION 3.—(217)—The Commissioner of Education and the president of the Superior Board of Health shall make rules and regulations as to the management and administration of said schools. No persons under eighteen years of age shall be admitted to the said schools, nor any person whose physical condition and mental attainments shall not qualify her for the work of a trained nurse. Instruction in the said schools shall be free.

SECTION 4.—(218)—The sum of three thousand dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated for the establishment and maintenance of the schools provided for by this Act, and of such appropriation the sum of one thousand dollars shall be apportioned to each of said schools.

SECTION 5.—(219)—This Act shall take effect from and after its passage.

Approved, March 1, 1902.

AN ACT

TO PROVIDE FOR THE ESTABLISHMENT OF INDUSTRIAL SCHOOLS
IN PORTO RICO.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(220)—The Commissioner of Education is hereby authorized to establish, construct, equip and maintain with any funds allotted or appropriated to the use of the Department of Education of Porto Rico and not required for other purposes, at least three industrial or manual training schools for the education of the youth of Porto Rico. Said schools shall be designed and equipped to afford a practical education for the pupils, both male and female, who shall be received therein, in some occupation or trade of a mechanical or industrial character. Competent teachers, who shall be practical mechanics, artisans or persons thoroughly equipped by education to instruct the pupils of said schools in such mechanical or industrial branches as shall be taught in said schools, shall be from time to time employed by the Commissioner of Education as the needs and necessities of said schools and the means at his disposal for said purpose shall require and permit.

SECTION 2.—(221)—The first three of said schools to be established by the Commissioner of Education, under the authority hereby granted, shall be located in the cities of San Juan, Ponce and Mayagüez respectively, in the order herein named. In the city of San Juan the Commissioner of Education shall be authorized to take possession of any public building which the Commissioner of the Interior may be able to provide in the place of the building partially destroyed by fire sometime since, situated in said city of San Juan,

and which contained a partial equipment of machinery and appliances necessary for the use of a school of the character herein designated, and to repair and fit up such building and have the use of the same together with the partial equipment heretofore mentioned. For the construction and equipment of such other manual training schools as may be established under the terms of this Act, said Commissioner of Education is authorized to receive and accept donations of assistance in the way of lands, machinery, equipments or building which may be offered for the purpose by the community where said school is to be located, or from any person who shall offer such donation.

SECTION 3.—(222)—The courses of instruction in the schools contemplated by this Act, shall be such as may be prescribed by the Commissioner of Education, and the said schools, when so established, shall become and be maintained as a part of the general educational system of Porto Rico under the supervision and direction of the Commissioner of Education. Said Commissioner of Education is authorized to fully equip such schools with all the necessary machinery, apparatus and accessories requisite to the teaching and instructing of the pupils therein in such of the mechanical or industrial branches as may be designated to be taught in said schools, and to hire all necessary assistants and teachers, providing for the organization of such schools as a portion and branch of the Department of Education, under the control of the Commissioner of Education of Porto Rico, and after the construction and equipment of such schools the same shall be maintained out of appropriations for the support and maintenance of said department.

SECTION 4.—(223)—The Commissioner of Education

shall provide such rules and regulations as may be proper for the admission of boys and girls of Porto Rico as pupils in such schools as may be established under the terms of this Act, the courses of training and study to be pursued therein, the discipline thereof, and he shall be authorized to make such other regulations as may be necessary in order that the most impartial distribution of the benefits to be derived from the practical education to be given at said schools shall be afforded to the most worthy applicants for the privilege of becoming pupils in said schools.

SECTION 5.--(224)--All laws, or orders, or parts of laws or orders, in conflict with this Act are hereby repealed.

SECTION 6.--(225)--This Act shall take effect from and after its passage.

Approved, March 1, 1902.

JOINT RESOLUTION

AUTHORIZING THE GOVERNOR OF PORTO RICO TO GIVE A QUIT-CLAIM DEED TO THE MUNICIPALITY OF MAYAGUEZ FOR CERTAIN LAND, DEEDED FOR SCHOOL PURPOSES TO THE PEOPLE OF PORTO RICO ON APRIL TWENTY-NINTH, NINETEEN HUNDRED AND ONE, BY THE MUNICIPALITY OF MAYAGUEZ.

(226)--WHEREAS, the municipality of Mayagüez on April twenty-ninth, nineteen hundred and one, deeded to the People of Porto Rico, by deed 360, recorded in the office of the Secretary of Porto Rico, June twentieth, nineteen hundred and one, volume 1, page 25, a certain tract of land known as the "Jardin del Teatro", on Méndez Vigo street, in the town of Mayagüez, for school purposes; and

WHEREAS, said deed provides that the property therein described, if not used for school purposes, shall one year after date of said deed, namely, one year after April twenty-ninth, nineteen hundred and one, revert to said municipality; and,

WHEREAS, another tract of land better suited for the purposes of the erection of the school building, which was contemplated at the date of the cession of the tract above mentioned, has since been selected and purchased by the Department of Education, acting for the People of Porto Rico; and,

WHEREAS, the said school building being a ten-room graded school, brick building is now erected upon ground so purchased and is about to be occupied for school purposes; therefore, be it,

RESOLVED by the Executive Council of Porto Rico, the House of Delegates concurring that the Governor is hereby authorized to execute a quit claim deed for the said tract of land, situated in the town of Mayagüez, and known as the "Jardin del Teatro," on Méndez Vigo street, same not being needed by the Department of Education for school purposes.

Approved, February 27, 1902.

AN ACT

AUTHORIZING A COMMITTEE OF TEACHERS TO ADMINISTER THE
TEACHERS' PENSION FUND.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.--(227)—That the teachers' pension fund shall be administered as follows:

(a) A committee to consist of three teachers selected by the Commissioner of Education shall receive and

file all claims sent by teachers who believe themselves entitled to a pension, and shall also attend to making the "expedientes" in every particular case, requesting from the applicants each and every paper or document required by the "derechos pasivos del magisterio de primera enseñanza de Puerto Rico", actually in force.

(b) These expedientes or records shall be sent to the Commissioner of Education for his examination and classification, and he shall refer the same to the honorable Governor of Porto Rico for approval.

(c) The decision in every case shall be reported by the Commissioner of Education to the interested person, to whom a credential shall be issued setting forth the applicant's right to the pension and the amount to which the pensioner is entitled.

SECTION 2.—(228)—That all laws, decrees and orders, or parts of them, in conflict with this Act, be and the same are hereby repealed.

SECTION 3.—(229)—That this Act shall take effect from and after its passage.

Approved, February 28, 1902.

AN ACT

TO PROVIDE FOR ELECTIONS IN PORTO RICO.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(230)—A general election shall be held in Porto Rico on the first Tuesday after the first Monday in November, A. D. nineteen hundred and two and biennially thereafter on the same day.

SECTION 2.—(231)—There shall be elected at such election a resident commissioner to the United States from Porto Rico; and for each legislative district, as

heretofore created by the Executive Council, by order duly approved September fourth, nineteen hundred, five delegates to the House of Delegates, whose terms of office shall be as provided by law; and there shall be elected in each municipal district, one mayor, one municipal judge, three school trustees, the members of the municipal council, and all other municipal officers whose election is provided for by law; *Provided*, that in the city of San Juan two municipal judges and two substitute municipal judges shall be elected. The said election shall be under the general direction of the Executive Council, and such persons as may be designated by said Council, as in this law provided.

SECTION 3.--(232)--The Executive Council shall, before such election, give at least thirty days notice thereof by publication in some newspaper of general circulation published in Porto Rico, and by posting notices thereof in each municipal district throughout Porto Rico.

SECTION 4.--(233)--The election shall be free and equal, and every male citizen of Porto Rico, or of the United States, of the age of twenty-one years and upwards, who shall have resided in Porto Rico for one year next preceding the date of election, and for the last six months of said year within the municipal district where the election is held, and who, in addition possesses any one of the following qualifications:

A.—Who is able to read and write; or

B.—Who, on the day of registration, owns real estate in his own right and name; or who, on said day, is a bona fide member of a firm or corporation, or co-partnership, which owns real estate in the name of such corporation, firm, or co-partnership; or

C.—Who, on said day of registration, produces to

the board of registry of the district wherein such elector may be entitled to vote, a tax receipt showing the payment of any kind of taxes for the last six months of the year in which the election is held shall be entitled to vote in the district where he may reside, provided his name appears on the registry list as provided by law. But nothing herein contained shall require a new registration or impose new qualifications for those electors who were registered during the year nineteen hundred who are hereby declared to be qualified to vote without new registration.

SECTION 5.—(234)—Every person who has been convicted of felony by a court of competent jurisdiction, and has served a term of confinement in the penitentiary thereof, shall forever be disfranchised and debarred from the privilege of voting at any election; *Provided*, however, that this section shall not be held to apply to cases where a pardon for such offence has been granted by the Governor of Porto Rico.

SECTION 6.—(235)—No soldier, seaman or marine in the army or navy of the United States or their allies, shall be deemed to have acquired a residence in Porto Rico in consequence of having been stationed within the same; nor shall any such soldier, seaman or marine have the right to vote.

SECTION 7.—(236)—No person shall be deemed to have lost his residence in Porto Rico by reason of his absence either on business of Porto Rico or of the United States.

SECTION 8.—(237)—In all cases, except treason, felony, and breach of the peace, the electors shall be free from arrest in going to elections, during their attendance there, and in returning from the same.

SECTION 9.—(238)—That no member of a board of

election and no clerk thereof, shall be arrested or imprisoned upon election day or upon the days before and succeeding election day for any offence except upon complaint of the entire district board of elections, or of all of the judges of election who are serving. Any police officer or other person violating the provisions of this Act shall be subject to arrest and upon conviction shall be fined in any sum not less than one hundred nor more than five hundred dollars or confined in jail for a term not to exceed two years.

SECTION 10.—(239)—Any person who shall bet or wager any money or other valuable property on the result of any election in Porto Rico shall, upon conviction thereof, forfeit and pay to the People of Porto Rico, for the benefit of the common school fund, any sum not less than the amount so bet or wagered nor more than twice the said amount.

SECTION 11.—(240)—The Executive Council shall appoint as general supervisor of the election to be held pursuant to the provisions of this Act, a capable person whose duty it shall be to supervise the conduct of the elections herein provided for, and the appointment of registration agents, election judges and clerks, and the counting and canvassing of the returns by the judges of election after elections. The said supervisor shall have authority to do any and all things required by this Act to be done by him, and his authority shall be superior to that of the election boards or judges hereinafter provided for; *Provided*, always, any and all acts which may be performed by said general supervisor of election or by the board of elections shall be subject to approval or disapproval, modification or change by the Executive Council, or the committee on elections representing said Council, or the said election committee

thereof, and otherwise do and perform any and all acts in connection with the said elections as he may be required to do by this Act and the order of said Council or committee on elections. The said supervisor shall receive compensation during the term of his employment at the rate of five dollars per diem and four dollars per diem in lieu of cost of transportation and subsistence.

SECTION 12.—(241)—There shall also be appointed in each election district three persons, who shall be known as the district board of elections for the district, a majority of whom shall constitute a quorum, with the power to do and perform any and all things necessary and proper to be done and performed under the provisions of this Act. They shall each take an oath of office to support the Constitution of the United States and the laws of Porto Rico, and to faithfully discharge their duties.

SECTION 13.—(242)—No person shall be eligible as a member of such board of elections, or as a judge of election in the same election district, who is a candidate to be voted for at such election in the same election district, or is a father, father-in-law, son, son-in-law, brother, brother-in-law, uncle or nephew of any candidate at such election. If at any time before election, it shall be made to appear by the affidavit of two or more qualified electors that either of the members of such boards or the judge of elections, is disqualified under the provisions of this Act, the Council or the supervisor shall at once remove such person and fill the place with a qualified person.

SECTION 14.—(243)—It shall be the duty of the said board of elections to divide their respective districts into election precincts and to establish the boundaries

of the same. There shall be not more than two voting places in a precinct. Each precinct shall contain as nearly as practicable three hundred electors, based on the number of voters registered at the last general election held within the district. The board of elections of any district may change the boundaries of any precinct within such district, or divide any precinct into two or more precincts or consolidate two or more precincts into one, or change any place of holding election, whenever the public convenience or public good may require it; *Provided*, that no such change, division or consolidation shall be made after October fifteenth next preceding the election; and, provided, further, that the precincts have been first established, no such change, division or consolidation shall be valid without giving due and immediate notice by publication in a newspaper published in the said district, or by posters put up in four conspicuous places in the precinct affected by such action; and provided, further, that no precinct shall be changed so as to contain as near as may be more than three hundred electors.

SECTION 15.—(244)—That the House of Delegates shall be the sole judge of the elections, returns and qualifications of its members, and shall have and exercise all powers with respect to the conduct of its proceedings that usually appertain to parliamentary legislative bodies. No person shall be eligible to membership in the House of Delegates who is not twenty-five years of age and able to read and write either the English or the Spanish language, or who is not possessed in his own right of taxable property, real or personal situated in Porto Rico.

SECTION 16.—(245)—It shall be the duty of the said board of elections, at least fifteen days before

the date of the election, to appoint as judges of the election, three persons in each precinct, and so far as it may be practicable the said judges of election shall not be all of the same political party.

SECTION 17.—(246)—Such boards of election shall also appoint as poll clerks, two qualified electors of the municipal district, one from each of the two principal political parties.

SECTION 18.—(247)—Before any election shall be opened, the judges of election shall each take oath to support the Constitution of the United States and the laws of Porto Rico, which oath shall be in writing or in printing, or partly printed, and shall be subscribed and executed before some person authorized by law to administer oaths in Porto Rico, which officer shall attach thereto his jurat, and such oath shall then be attached to poll book, and with it returned to the Executive Council as hereinafter provided, which oath shall be in the following form:

“I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the laws of Porto Rico; that I will faithfully and impartially discharge the duties as judge of election according to law; that I will not knowingly permit any person to vote who is not qualified, and will not knowingly refuse the vote of any qualified elector, or cause any delay to persons offering to vote further than is necessary to procure satisfactory information of the qualification of such person as an elector; and that I will not disclose or communicate to any person how any elector has voted at such election, or how any ballot has been folded (or marked); that I have nothing of value bet or wagered upon the result of said election, and am not a candidate at this election, and am not related to any

person to be voted for at this election, within the degree named in section 13 of the election law and that I will execute the duties of judge of the election without favor or partiality so help me God.

Sworn to and subscribed before me this day of....., A. D....”

SECTION 19.—(248)—One judge shall administer the oath to the other judges, and one of said judges shall then administer the said oath to the third judge. The judge first named in the list of judges appointed by the board of elections, shall be chairman of such judges of election, and before the reception of any votes, shall administer oaths to the clerks of election that they will faithfully discharge their duties as such. The oaths for the clerks shall be in the following form:

“I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the laws of Porto Rico; that I will faithfully and honestly discharge my duties as clerk of the election in.....precinct, in Porto Rico, and that I will not disclose or communicate to any person how any elector voted, or how any ballot was folded (or marked).

Sworn and subscribed to before me this day of.....A. D. 19.....”

SECTION 20.—(249)—The supervisor shall provide the necessary stationery, blanks, poll books and ballot boxes for the conduct of such election. Each ballot box shall be securely locked, and shall be constructed as required by the supervisor of elections.

SECTION 21.—(250)—The election shall be opened at eight o'clock in the forenoon, and continued open until four o'clock in the afternoon, at which hour the polls shall be closed. Thirty minutes before the polls are closed the chairman shall announce to the people outside

in a loud and audible tone of voice that it is half-past three o'clock, and that the polls will close in thirty minutes, and at the hour of four o'clock he shall also announce in a clear and audible tone of voice that the polls are closed, and that thereafter no more votes shall be received.

SECTION 22.—(251)—The Executive Council shall cause to be printed on the official ballot, the names of candidates nominated by the conventions of any party that cast five per cent. of the total vote of Porto Rico at the last election held, as the names of the candidates nominated may be certified to the Secretary of Porto Rico by the presiding officer and secretary of the convention or caucus or committee making such nomination, and also the names of any candidates for any office when petitioned to do so by the electors qualified to vote for such candidates; *Provided*, nominations by petition for officers to be elected under this Act shall be made by at least five hundred signers to said petition who are registered as qualified voters for said election.

In case of a nomination by petition, no petitioner shall be counted unless his residence and post-office address be designated, and unless such petition states the name and residence of the candidate; that he is legally qualified; that the subscribers desire and are legally qualified to vote for said candidate, and may designate a brief name or title of the party or principle which said candidate represents, together with any simple figure or device by which he shall be designated on the ballot. Said device may be the figure of a star, an eagle, or some appropriate symbol, but the coat of arms or seal of Porto Rico, or of the United States, the national flag, or any other emblem common to the people at large shall not be used as such device.

In case of the death, resignation or removal of any candidate subsequent to nomination, unless a supplemental certificate or petition of nomination be filed, the president or the central committee of the party shall fill such vacancy.

Certificates and petitions of nominations shall be filed with the Secretary of Porto Rico not more than sixty days and not less than twenty days before election day.

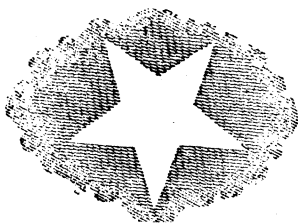
The Executive Council shall cause the name of all candidates for the House of Delegates in the district in which such candidates may be running, and the names of the candidates for Commissioner to the United States, and all other candidates, to be printed on one ballot with names placed under the title and device of the party or petitioners as designated by them in their certificate or petition, or if none be designated, under some title and device.

The ballots shall be of uniform size and of the same quality and color of paper, and sufficiently thick that the printing cannot be distinguished from the back. All ballots prepared by the Council shall be printed on white paper and put up in blocks of one hundred each. The device named and list of candidates of the party which at the last preceding elections polled the largest number of votes in Porto Rico, shall be placed in the first column on the left-hand side of said ballot; and the party which cast the next highest number shall be put in the second column; and of any other party in such order as the Council shall decide. The device of each party shall be above a circle of not less than one inch in diameter, and shall be placed at the head of the list of candidates of the party, and the following words shall be printed in Spanish and English, around the

outer edge of each of said circles, to-wit: "For a straight ticket mark **X** within this circle."

Immediately under the circle shall be placed the name or title of the party ticket, and immediately under such name or title the list of candidates of the party, such names being placed three-fourths of one inch apart from center to center of the name, the name of each candidate having immediately on its right a square three-eighths of an inch on one side; and the general arrangement of the ballot shall conform substantially to the following form:

OFFICIAL BALLOT.



For a straight ticket
Para votar la candidatura íntegra



Mark a cross (X) within the circle.
Trácese una cruz (X) dentro del círculo.

FEDERAL

For Commissioner to the United States

..... ☐
For Members of the House of Delegates

..... ☐

..... ☐

..... ☐

..... ☐

..... ☐

..... ☐
Mayor

..... ☐

..... ☐
Municipal Judge

..... ☐
Substitute Municipal Judge

..... ☐
Municipal Council

..... ☐

..... ☐
etc.

School Trustees

..... ☐

..... ☐

..... ☐

etc.



For a straight ticket
Para votar la candidatura íntegra



Mark a cross (X) within the circle.
Trácese una cruz (X) dentro del círculo.

REPUBLICAN

For Commissioner to the United States

..... ☐
For Members of the House of Delegates

..... ☐

..... ☐

..... ☐

..... ☐

..... ☐

..... ☐
Mayor

..... ☐

..... ☐
Municipal Judge

..... ☐
Substitute Municipal Judge

..... ☐
Municipal Council

..... ☐

..... ☐
etc.

School Trustees

..... ☐

..... ☐

..... ☐

etc.

A candidate named shall appear but once upon a ballot, and if he has been nominated as a candidate by petition or convention or committee, he shall elect which

of said nominations he will accept, and his name shall be printed on the ballot accordingly.

SECTION 23.—(252)—If any candidate whose nomination has been certified according to law shall wish to resign from such ticket, he shall file his resignation in writing with the Secretary of Porto Rico within three days after the filing of such certificate of nomination, and any resignation filed after the time mentioned in this section shall not be considered; *Provided*, that no resignation shall be filed with, or received by, the Secretary of Porto Rico within twenty days immediately preceding an election.

SECTION 24.—(253)—In case of the death or removal of any candidate after the printing of such ballot and before such election, it shall be lawful for the chairman or executive committee of the political organization of which such candidate was a member, to make a nomination to fill such vacancy, and upon notification of a new nomination for such vacancy the board of elections shall provide the election judges of each precinct in which such candidate is to be voted for, with a number of pasters containing only the name of such candidate. But no pasters shall be given to, or received by, any one except such election judges; and it shall be the duty of the polling clerks to put one of such pasters in a careful and proper manner and in the proper place on each ticket before they shall sign their initials thereon.

SECTION 25.—(254)—It shall be the duty of the Executive Council or its committee on elections to deliver by hand or registered letter or messenger to the chairman of the board of elections ten ballots for every five voters and a fraction thereof in each precinct of his district. The ballots shall; in the presence of the Executive Council or the committee on elections, be wrapp-

ed and tied in packages plainly marked, one for each precinct within the election district, and securely sealed with wax, and receipt for the same shall be taken and filed. The Executive Council shall also provide and enclose in each of the aforesaid sealed packages six pencils. Each package shall remain in the custody of the chairman of the board of elections until delivered to the judges of the election.

In case it be necessary for members of the boards of elections to personally appear before the Executive Council they shall be allowed five cents per mile for the distance necessarily traveled in going to and returning from the office of the Executive Council.

If any member of the board of elections shall give or deliver to any other person any of said ballots, or shall permit any of them to be taken away except as provided in this Act, he or they shall be guilty of a felony, and upon conviction shall be punished by imprisonment in the penitentiary for not less than three nor more than seven years.

If any person shall feloniously take or remove in any manner or with the consent or permission of the custodian from any place where they may lawfully be under this Act, any of such ballots or pencils, or be found in custody or possession of such ballots or pencils (except as an official or custodian under this Act, or while within the polling place for the purpose of voting), or if any such custodian or official shall consent to or permit any of such ballots or pencils to be removed or carried away from the place where they may lawfully be, by any person (except by an official or custodian authorized by this Act, whose duty it is to receive same), such person, custodian or official shall be deemed guilty of a felony, and upon conviction

shall be punished by imprisonment in the penitentiary for not less than three nor more than ten years, and be disfranchised for any determinate period not less than ten years.

SECTION 26.—(255)—It shall be the duty of the board of election, to send or deliver to the judges of election, at least two days before election, the said package of ballots and the pencils provided for their precinct by the Executive Council.

SECTION 27.—(256)—At the opening of the polls after the organization of, and in the presence of the election judges, the chairman shall open the package of ballots in such manner as to preserve the seals intact. He shall then deliver to the poll clerks the ballots. The poll clerks shall at once proceed to write their initials in ink on the lower left-hand corner of each of said ballots in their ordinary handwriting and without any distinguishing mark of any kind, and return them to the judges. As each successive elector calls for a ballot one of the judges shall deliver to him a signed ballot.

The Executive Council or supervisor shall cause to be printed in large type, on cards, in Spanish and in English, instructions for the guidance of the electors in preparing their ballots. A suitable number of such cards shall be delivered to the board of election in each district at the time the ballots shall be delivered, and it shall be the duty of the board of election to see to it that the said cards are posted by the judges of election in each place or compartment provided for the preparation of the ballots, and the judges of election shall post several of such cards at or near the polling place, but not within one hundred feet thereof, together with samples of the ballots, which sample ballots

shall be printed on different colored paper than the genuine ballots.

SECTION 28.—(257)—If by accident the ballots delivered are lost and destroyed, upon report being made the board of elections shall at once re-supply the judges of elections.

SECTION 29.—(258).—It shall be the duty of the board of election in each district before each election to provide for and secure in each precinct of the district a suitable room in which to hold the election, and to have placed therein a railing separating the part of the room to be occupied by the judges of election from the remainder of the room, and also three booths or compartments, in which electors shall mark their ballots, screened from observation, each containing a counter or shelf. Booths shall be so constructed and arranged that all the judges of election can see whether more than one voter enters any one of such booths at one time, and each and every judge of elections allowing any booth or compartment in which an elector is preparing his ballot to be used without a screen, or such screen being so arranged as not to shield the preparation of the ballot from observation, shall be guilty of a misdemeanor, and upon conviction thereof, be fined for each offence in any sum not exceeding one hundred dollars, nor less than five dollars, to which may be added imprisonment in jail not exceeding ninety days. No election shall be held in a room in which spirituous, vinous, malt or other intoxicating liquors are kept or sold; and if practicable the room shall be one used exclusively for election purposes on the day of election.

SECTION 30.—(259)—Not more than three voters shall be allowed in the voting room at one time. On entering the room the voter shall announce his name

to the poll clerks, who shall register it. The judge holding the ballot shall deliver to him one ballot, and the clerk shall thereupon deliver to him a pencil, and the judges, on request, shall give explanation of the manner of voting. If deemed necessary by any one of the judges, an interpreter may be called. The voter shall then, and without leaving the room, go alone into any one of the booths, which may be unoccupied, and indicate the candidates for whom he desires to vote, by making a cross thus, **X**, in the square immediately following each and every name of the candidates for whom he desires to vote: *Provided*, however, that if he shall desire to vote for all the candidates of one party, or group, he may mark in the large circle under the device and above the title under which the candidates of such party, or group, are printed, and the vote shall then be counted for all the candidates under that title. If the voter marks in the large circle under the device, he shall not mark elsewhere on the ballot, unless there be no candidate for the same office in the list printed under the circle in which he has marked, in which case he may indicate his choice for such office by marking the square to the right of the name of any candidate for such office on any other list; and provided, further, that if any elector should place a mark to the right of the names of more than one candidate, or if having voted the straight ticket of one party should in addition place a mark in any other ticket to the right of the name of one candidate, such vote shall not be counted in favor of any candidate for the office who shall have received in this way a vote in duplicate, but said vote shall be counted in favor of the candidates for whom it was correctly voted. A mark on the ballot in violation of this provision shall be treated as a distin-

guising mark. If a pencil mark touches a circle or square, it shall be counted on such circle or square, but a mark that touches no circle or square shall also be treated as a distinguishing mark. Before leaving the booth or compartment the voter shall fold his ballot separately so that no part of the face thereof shall be exposed, and so that the initials of the poll clerk shall be exposed, and on leaving the booth or compartment, shall return the pencil to the poll clerk and deliver the ballot to the chairman of the judges, who shall forthwith in the presence of the voter, and of the other judges and clerks, deposit the same in the ballot box, and the clerk shall write the word "voted" after the name of the voter on the poll lists; *Provided*, however, that if an elector shall show his ballot or any part thereof to any other person, after the same shall have been marked, so as to disclose any of the candidates voted for, such ballot shall not be deposited in the ballot box. A minute of such occurrence shall be made on the poll list and such person shall not be allowed to vote thereafter. If a voter shall offer to vote a ballot so folded as not to disclose the initials of the poll clerk, the judges shall direct him to return to the booth and fold his ballot properly. After voting the voter shall immediately leave the room, but no voter to whom a ballot and pencil, or either, have been delivered, shall be permitted to leave the room without voting his ballot or returning it to the judges, or without returning the pencil to the poll clerk from whom he received it. It shall be unlawful for any voter to attempt to leave the room with a ballot or the pencil used in marking ballots in his possession. And any voter who shall attempt to leave the room with a ballot or such pencil in his possession, is guilty of a

misdemeanor and shall at once be arrested on demand of one of the judges.

SECTION 31.—(260)—Not more than one person shall be permitted to occupy any booth at a time, and no person shall remain or occupy a booth longer than may be necessary to prepare his ballot; in no event shall he remain longer than five minutes. Not more than three persons other than the election officers and one challenger from each party whose candidates are to be voted for shall be permitted to enter or be in the election room at any time; and no voter or person offering to vote shall hold any conversation or communication with any other person than a judge of election while in the election room. Any person who shall by accident or mistake spoil, deface or mutilate his ballot, may, on returning the same to the judges and satisfying them that such spoiling, defacing or mutilation was not intentional, receive another in place thereof, and such clerks shall make a minute of the fact on the poll lists at the time, and the mutilated ballot shall then be destroyed by the elector in the presence of the judges.

SECTION 32.—(261)—The judges of election shall allow one, and not more than one legal voter of each party to the contest, to be chosen by the parties respectively to be in the room where the election is held, to act as challengers of voters at such election; and such challengers may remain with the board of election until the polls are closed but not thereafter.

In case a person offering to vote is challenged by one of the challengers on the ground of his not being the person whose name appears upon the registry list, or upon the ground that he does not possess the legal qualifications for voting as prescribed by this order, then it shall become the duty of one of the judges of

election to forthwith administer to the person challenged an oath, and to question the person so offering to vote, in relation to the matter involved in the challenge; and if the person so challenged shall take and subscribe an oath as to his identity and qualifications he shall be entitled to vote, and it shall be the duty of the judges of election to direct the clerk to deliver to him a ballot, and he shall have the right to prepare and cast the same as herein provided. In such case the oath to be administered to the person whose vote is challenged shall be in the following form:

Island of Porto Rico,

District of.....

.....being duly sworn,
deposes and says: "My true name is.....
I reside at.....in the municipal district of.....Porto Rico, and have lived in said Porto Rico.....years and in said district.....months.

I registered on or about the.....day of.....at.....in the municipal district of.....
I am a duly qualified voter under the laws now in force governing elections in Porto Rico."

Sworn to and subscribed before me thisday of....., 19

The said oath may be taken and subscribed before any judge of election, who is hereby granted power to administer the same; and when taken, the same shall be carefully filed by the clerks of election, and shall accompany the other election papers required by this Act to be delivered by the judges to the board of elections of the district, and by said board thereafter delivered to the supervisor of elections and Executive Council at San Juan.

It shall be the duty of clerks of election to mark upon the poll books opposite the name of the person challenged this word: "Challenged."

SECTION 33.—(262)—Any elector who declares that by reason of physical disability or inability to read the Spanish or English language he is unable to mark his ballot, may declare his choice of a party or a candidate or candidates to the judges, who, in the presence of the elector and in the presence of each other shall prepare the ballot for voting in the manner hereinbefore provided, and on request shall read over to such elector the names of the candidates as marked. Any one making a false declaration under the provisions of this section shall, upon conviction, be fined in any sum not exceeding five dollars and be disfranchised for a period of five years, and any poll clerk or election judge who shall deceive any elector in selecting or marking any ballot, or mark the same in any other way than as requested by the said elector, shall be guilty of felony, and on conviction shall be imprisoned in the penitentiary for not less than two years nor more than seven years, and be disfranchised for any determinate period not less than five years.

SECTION 34.—(263)—No judge shall deposit any ballot upon which the initials of the poll clerks, as herein before provided for, do not appear, or any ballot on which appears externally any distinguishing mark, defacement or mutilation. If any judge, poll clerk or other person entrusted with the custody or control of any ballot or ballots, either before or after they have been voted, shall in any way mark, mutilate or deface any ballot or place any distinguishing mark thereon, either for the purpose of identifying the same (except by numbering protested ballots for future reference),

or for the purpose of violating the same, he shall be guilty of a felony, and on conviction shall be imprisoned in the penitentiary not more than five nor less than two years, and fined in any sum not exceeding two thousand dollars.

SECTION 35.—(264)—Any person who shall remove, or attempt to remove a ballot or pencil from the voting room, or having in his possession outside the voting room any ballot or pencil either genuine or counterfeit during the election, shall be guilty of felony, and on conviction shall be imprisoned in the penitentiary not less than two nor more than five years, and be disfranchised for any determinate period not less than ten years.

SECTION 36.—(265)—The judges of election shall, in canvassing votes, begin first by laying each ballot upon the table in the order in which it is taken from the ballot box, and the judges of election shall view the ballots as the names of the persons voted for are read therefrom. And in the canvass of the votes, any of the judges of election may protest as to the counting of any ballot, or any part thereof, for any irregularity or invalidity, and any ballot which is not endorsed with the initials of the poll clerks as provided by this Act, and any ballot which shall bear any distinguishing mark or mutilation shall be void, and shall not be counted, and any ballot or part of a ballot from which it is impossible to determine the elector's choice of a candidate, shall not be counted as to the candidate or candidates affected thereby; and all such ballots, together with all protested, disputed or uncounted ballots, shall be preserved by the judges, and at the close of the count placed with the seals of the ballot packages, securely sealed, and delivered to the board of elections of the

district, with notification to them of the number of ballots so placed, and of the condition of the seals of the ballot packages. The poll clerk shall also record on the tally sheets memoranda of such ballots, and the condition of the seal of the ballot packages, and in any contest of election such ballots and seals may be submitted in evidence. Before such ballots are placed in packages as aforesaid, one of the poll clerks shall endorse upon the back of each disputed or protested ballot the word "Counted" or "Not Counted," as the case may be, and said endorsement shall be signed officially by the judges and both of said poll clerks. On completing the count and recording the same on the tally sheets, all of the ballots which were marked, mutilated or otherwise defective, and not counted, shall be carefully preserved by the judges of election and put into a separate package carefully sealed and marked "Ballots Not Counted" on the outside, and signed by all the judges of election, and delivered to the board of election of the district.

The ballots over which no dispute has arisen, and which have been counted, shall also be put into a package and separately wrapped up and sealed in the presence of the judges, and upon said package there shall be marked upon the outside the words "Regular Ballots Counted," to which words the judges and the clerks shall append their signatures, and the said package so sealed and signed shall thereafter be delivered to the board of elections for the district as herein provided for.

All ballots which have not been used, and which are remaining in the hands of the judges, shall also be put into a separate package, and securely tied up and sealed, and upon the package shall be written the

words "Unused Ballots," and to said words the judges and clerks shall sign their respective names, and the said package of unused ballots shall also be delivered to the board of elections for the districts as herein provided for.

The judges of election shall immediately make a memorandum of the total vote cast and counted for each candidate, and deliver the same to the board of elections of the district. No person other than the judges of election and the poll clerks shall be permitted in the election room during the canvass of the votes.

SECTION 37.—(266)—When the votes shall be counted, the board of judges shall make out a certificate under their hands, stating the number of votes each person has received and designating the office, which number shall be written in words; and such certificate shall then be read aloud to the public outside of the room, and together with one of the lists of voters and one of the tally papers shall immediately thereafter be deposited with the chairman of the judges of election, or with one of the judges selected by the judges. A copy of such certificate as read shall be forthwith posted up at the voting place.

SECTION 38.—(267)—As soon as the votes are counted, and before the certificate of the judges as prescribed in the foregoing section is made out and read and posted, the ballots with one of the lists of voters and one of the tally papers, shall, in the presence of the judges and clerks, be carefully and securely placed by the chairman in the presence of the judges in a strong paper envelope or bag, which shall then be tightly closed, and well sealed with wax by the chairman and shall be delivered by such chairman to the district election board at the very earliest possible period before or on the

Wednesday next succeeding said election, and the chairman of the election board for the district shall securely keep said envelope containing the ballots and papers therein and therewith sent, and permit no one to open said envelope or touch or tamper with said ballots or papers therein or packages so delivered.

SECTION 39.—(268)—The chairman of the board of elections shall securely keep the packages and envelopes so delivered to him, and forthwith deliver them personally to the Executive Council at San Juan or shall send them by registered mail as the Council may order. The Executive Council shall canvas the vote by using the poll lists, certificates and tally papers returned to it as aforesaid; and they shall assemble on the third day after election and continue in session from day to day until the canvass is completed. The Executive Council shall declare the person having the highest number of votes given for any office to be filled by the voters, duly elected, and certify the same by formal certificate duly issued to such person, signed by the president and chief clerk of the Executive Council.

SECTION 40.—(269)—In case of a tie between two or more persons for a single office the Council shall declare that no person is elected and shall so certify, in which case a new election may be held under such rules and regulations as may be prescribed by order of the Executive Council.

SECTION 41.—(270)—No tally paper, poll books or certificates returned from any election by the judges thereof shall be rejected for want of form, nor for lack of being strictly in accordance with the directions herein contained, if the same can be satisfactorily understood; and the Executive Council shall in no case reject

the returns from any precinct if the same be certified by the board of elections of that district.

SECTION 42.—(271)—The Executive Council after its canvass of the votes for Commissioner to the United States, shall certify to the Governor of Porto Rico the person having the highest number of votes as duly elected, and the Governor shall thereupon give to such person a certificate of his election as required by the laws of the United States.

SECTION 43.—(272)—No officer of election shall disclose to any person the name of any candidate for whom any elector has voted. No officer shall do any electioneering on election day. No person whatever shall do any electioneering on election day within any polling place or within one hundred feet of any polling place. No person shall show his ballot after it is marked to any person in such a way as to reveal the contents thereof or the name of any candidate or candidates for whom he has marked his vote; nor shall any person examine a ballot which any person has presented for voting, or solicit the elector to show the same. No person except a judge shall receive from any voter a ballot prepared by him for voting. No person shall receive a ballot from any person other than one of the judges, nor shall any person other than a poll clerk deliver a ballot to a judge to be voted by himself. No voter shall place any mark upon his ballot, or suffer or permit any other person to do so, by which it may afterwards be identified as the one voted by him. Whoever shall violate any provision of this section shall be deemed guilty of a felony.

SECTION 44.—(273)—Any public officer upon whom any duty is imposed by this Act who shall wilfully neglect or omit to perform such duty or do any act prohib-

ited herein for which punishment is not otherwise herein provided, shall be deemed guilty of a felony, and on conviction shall be punished by imprisonment in jail for not less than six months nor more than two years, or by fine of not more than three thousand dollars, or by both such fine and imprisonment, and be disfranchised for any determinate period not less than five years.

SECTION 45.—(274)—No clerk or judge of any election shall vote after commencing to count the vote, nor publish any statement of the result of the counting until such election is closed.

SECTION 46.—(275)—After the opening of the polls at the election no adjournment shall be had, nor any recess taken, until all the votes cast at such election shall have been counted and the result publicly announced.

SECTION 47.—(276)—It shall be the duty of the boards of election in their respective districts to cause the judges and clerks of election in each precinct to be furnished at the polling places with good, plain and substantial meals at the regular hours for meals during election day and until the count is finished, but no spirituous, vinous or fermented liquors shall be furnished; *Provided*, the cost of meals shall in no case exceed seventy-five cents per meal.

SECTION 48.—(277)—Members of boards of election shall each receive the sum of three dollars per diem while attending to election matters, and performing the duties pertaining to their respective positions, and mileage at the rate of five cents per mile for any travelling necessary to be done in and about the performance of such duties. Judges of election and clerks shall receive the sum of two dollars and fifty cents per diem, but no more than two days allowance shall be allowed in any case.

SECTION 49.—(278).—Whoever, being a candidate for any office, loans, or gives, directly or indirectly, or offers or promises to loan or give any money or other thing of value to any elector for the purpose of influencing or retaining the vote of such elector, or to induce such elector to work or labor for the election of such candidate, or to refrain from working or laboring for the election of any other candidate, or to any person to secure or to retain the influence or vote of such elector in his behalf as such candidate, or to be used by such person in any way to influence the vote of any elector, or of electors generally, for himself or any candidate or ticket, and whoever hires or otherwise employs for consideration any person to work at the polls on election day for election of any candidate to be voted for at such election shall be guilty of a felony and upon conviction shall be fined in any sum not more than three thousand nor less than one thousand dollars, and shall be disfranchised and rendered incapable of holding any office of profit or trust within Porto Rico, for any determinate period, and violation of any provision of this section by any person elected to such office shall render his election void, and if he has taken the office, a conviction shall operate as a vacation of the same.

SECTION 50.—(279).—Any person who shall give or offer to give directly or indirectly, any money, property or other thing of value to any elector to influence his vote at any regular election held in Porto Rico pursuant to law, or who shall at any such election solicit, furnish or receive any money or other means for such purpose, or who shall aid, advise, counsel or suggest to any person, or to persons generally, to use or procure any money or other means to be used to induce, hire, or buy any person or persons to vote or refrain from

voting for any candidate or candidates, or to remain away from the polls at any election, whether or not any such person shall act or attempt to act upon any such counsel, advice or suggestion, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars, and not more than one hundred dollars, and imprisonment not less than ten days nor more than six months, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period not less than ten years, or imprisoned in the penitentiary at hard labor not less than one nor more than five years, and disfranchised and rendered incapable of holding any office of profit or trust for the period aforesaid.

SECTION 51.—(280)—Any person who shall directly or indirectly, give, offer or promise to give, to any elector any money, property or other thing of value, for the purpose of preventing, influencing, inducing or procuring such elector to refrain from voting or to remain away from the polls at any election held under the laws of Porto Rico, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than five hundred dollars, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period, not less than ten years, to which may be added imprisonment for any period not to exceed six months.

SECTION 52.—(281)—At any election held under and pursuant to any law of Porto Rico, it shall be a ground of challenge that any person offering to vote has used or attempted to use money or other means to buy, hire, or induce any elector to vote or to refrain from voting for any candidate or candidates, or has advised, coun-

seled or suggested bribery of any elector or electors, at any such election, whether the same has been acted on or not, or has sold or offered to sell his vote for any candidate or candidates at any such election. And when so challenged such elector shall not be permitted to vote until he has taken and subscribed the following oath:

PORTO RICO

District of.....

“I.....do solemnly swear (or affirm, as the case may be) that I have not used or attempted to use any money or other means to buy, hire, or induce any person or persons to vote or refrain from voting, or to remain away from the polls at this election, and that I have not counseled, advised, suggested or procured any person or persons to bribe any elector or electors to vote for any candidate or candidates, or to refrain from voting or to remain away from the polls at this election, and that I have not sold or offered to sell my vote either directly or indirectly at this election.”

Sworn and subscribed to before me this..... day of.....19....

SECTION 53.—(282)—Whoever shall wilfully and knowingly make a false affidavit under this Act shall be guilty of perjury and punished accordingly. All affidavits made under the preceding sections shall be filed with the board of election and be preserved by such board in the manner as other similar affidavits and papers are preserved, and delivered by it to the supervisors.

SECTION 54.—(283)—Any person not duly authorized by law who shall, during the progress of any elec-

tion in Porto Rico, or after the closing of the polls and before the ballots are counted and results ascertained, or within six months thereafter, break open or violate the seals or locks of any ballot box, paper envelope or bag containing such ballot, and cancel, withhold or destroy the same, or who shall fraudulently or forcibly add to or diminish the number of ballots legally deposited therein, or who shall fraudulently make any erasure or alteration of any kind upon any tally sheet, poll book, list of voters, or election return deposited therein, shall be guilty of a felony and upon conviction shall be fined in any sum not more than one thousand nor less, than five hundred dollars, and imprisoned in the penitentiary not more than ten years nor less than two years, and disfranchised and rendered incapable of holding any office of profit or trust in Porto Rico for any determinate period.

SECTION 55.—(284)—Whoever, being a supervisor, member of a district board of election, judge of election, or clerk of election, takes out of the ballot box any ballot legally deposited therein for the purpose of destroying the same, or substituting another in its place, or after the same has been legally taken out intentionally destroys or misplaces the same with the intent to prevent the same from being counted at such election; or knowingly enters upon the poll books the name of any person who has not legally voted at such election, or intentionally tallies any vote to any candidate not voted for by such ballot; or permits any one of these acts to be done, shall be guilty of felony and upon conviction shall be fined not more than one thousand dollars nor less than fifty dollars, imprisoned in the penitentiary not more than five years nor less than one year, and disfranchised

and rendered incapable of holding any office of trust or profit for any determinate period.

SECTION 56.—(285)—Whoever, being a judge of any election held in Porto Rico, knowingly and wilfully, or corruptly refuses or neglects to receive the vote of any legal voter at any election held in Porto Rico, shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars nor less than fifty dollars, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period.

SECTION 57.—(286)—Whoever, being a judge, or clerk of any election, attempts to induce by persuasion, menace or reward, or promise thereof, any elector to vote for any person, shall be guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars nor less than ten dollars.

SECTION 58.—(287)—Whoever, being a judge, clerk or other officer of any election, opens or marks by folding or otherwise, any ticket presented by such elector at such election, or attempts to find out the name thereon, or suffers the same to be done by any other person, before such ticket is deposited in the ballot box, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not more than one hundred dollars nor less than ten dollars, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period.

SECTION 59.—(288)—Whoever fraudulently causes or attempts to cause any elector at any election held pursuant to law in Porto Rico to vote for a person different from the one he intends to vote for shall be guilty of a misdemeanor.

SECTION 60.—(289)—Whoever, for the purpose of in-

fluencing a voter, seeks by violence or threats to enforce the payment of a debt; or to eject or threaten to eject from any house he may occupy; or to begin a criminal prosecution; or to injure the business or trade of any elector; or, if an employer of laborers or an agent of such employer threatens to withhold the wages of, or to dismiss from service any laborer in his employment, or refuse to allow to any such employee the time to attend at the place of election and vote, shall be guilty of a felony, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period.

SECTION 61.—(290)—Whoever, at any election, unlawfully, either by force, fraud, or other improper means, obtains or attempts to obtain possession of any ballot box, or any ballots therein deposited, while the voting of such election is going on, or before the ballots are duly taken out of such ballot box, and counted by the election judges according to law, shall be guilty of a felony, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period.

SECTION 62.—(291)—Whoever unlawfully destroys or attempts to destroy any ballot box used, or any ballot or vote deposited or any poll book kept at any election, shall be guilty of a felony, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period.

SECTION 63.—(292)—It shall be the duty of the judges of election to deliver to the district board of elections at the time of the delivery to them of the ballots and packages required to be delivered after the election the ballot box which was used for the precinct wherein they acted as judges, and the said district board of elec-

tions shall as may be directed by the supervisor either retain the same or deliver it to the supervisor of elections at San Juan, who shall see that the said ballot boxes are carefully preserved for future use.

SECTION 64.—(293)—Ballots shall be preserved by the Executive Council for the period of six months and then destroyed, unless an undecided contest is pending in which case ballots bearing upon such contest shall be retained until the final decision.

SECTION 65.—(294)—Nothing herein contained shall be construed to prevent the Executive Council from making such supplementary orders as it may deem proper for the better carrying out of the provisions of this law.

SECTION 66.—(295)—All orders, regulations or laws heretofore made and in force pertaining to elections, in conflict with this Act, are hereby repealed. This Act shall take effect from the date of its passage.

Approved, March 1, 1902.

AN ACT

TO REGULATE THE REGISTRATION OF ELECTORS.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(296)—That the judges of election of the various election precincts shall constitute a board of registry for their respective precincts and shall meet within each precinct at some place to be designated by the board of elections of the district. That the board of registry shall, as soon as they are appointed and qualified as such, proceed to make a list of qualified voters from the registry list already prepared; *Provided*, however, that no new names shall be added unless the per-

son so applying shall appear in person and shall produce a tax receipt as provided by the election law. On the Tuesday three weeks preceding the election which is to be held on the first Tuesday after the first Monday of November, the said board of registry shall proceed to revise the list, as hereinafter provided, of all persons qualified to and entitled to vote at said election, as hereinafter provided, which list, when completed, shall constitute and be known as the register of electors of said election precinct.

SECTION 2.—297—The said registers shall each contain a list of the persons so qualified and entitled to vote in said election precinct, alphabetically arranged according to their respective surnames, so as to show in one column the name in full length and in another column the residence by number, if of a dwelling in a city, or the location of the dwelling place of each person together with his age and complexion. The said board shall enter in said lists the names of all such persons residing in their election precincts whose names appear on the poll list kept in said precinct at the last preceding election as are qualified voters under the law, and for this purpose said board is authorized to take from any place or office in which they are filed, the poll lists made and filed by the judges of such precinct at the last election held in Porto Rico, and to call for and use any tax list in any municipality.

In making said lists the board shall enter thereon in addition to the names of qualified voters on the said poll lists, the names of any and all other persons who personally appeared and are well known to them to be qualified electors in said precinct: but the names of all persons on the poll lists who have died or removed from the precinct, or who are not qualified, shall be

omitted from the register. The said board shall complete, as far as practicable, the said registry on the day of its meeting aforesaid, and shall make two copies thereof and certify the register and each of the copies thereof to be a true list of the voters in said precinct, so far as the same can be ascertained. But if necessary, the board may sit one additional day to complete the lists. Within two days thereafter, one list certified as aforesaid, shall be filed with the board of elections for the district in which the precinct is situated. One list shall be kept by one member of the board of registry, to be carefully preserved by him for use as hereinafter provided. A third certified copy of said list shall, immediately after its completion, be posted in some conspicuous place where the last preceding election in said precinct was held, and be accessible to any elector who may desire to examine it, or make copies thereof.

SECTION 3.—(298)—The said board shall again meet on Tuesday of the week preceding the day of election in their respective election precincts at the place designated for holding the polls of the election, for the purpose of revising, correcting and completing said registration list: and for this purpose they shall meet at eight o'clock in the morning and remain in session until six o'clock, P. M.

SECTION 4.—(299)—The proceedings of the board of registry shall be open, and all persons residing and entitled to vote in said precinct shall be entitled to be heard by said board in relation to corrections and additions to said register. One of the lists to be kept by one of the board as aforesaid shall be used by them on the day or days of making corrections or additions for the purpose of completing the registry for such precinct.

SECTION 5.—300.—It shall be the duty of said board, at their meeting for revising and correcting said list, to erase therefrom the name of any person inserted therein who shall be proved by written affidavit of two legal voters of said precinct, to the satisfaction of said board, to be nonresident of said precinct, or otherwise not entitled to vote in said precinct, at the election then next to be held. Any elector residing in said precinct and entitled to vote therein, who has not previously personally appeared and been registered may appear before said board, produce his tax receipt or prove his qualification and require his name to be recorded on said alphabetical list. Any person so producing his tax receipt or qualification requiring his name to be so entered on said list shall make a statement as to where he resides and shall also be subject to the same penalties for refusing to give such information or for falsely giving the same as provided by law in case of an elector offering to vote; and shall also be subject to challenge, either by the members of the board, or either of them, or by any other elector whose name appears on said alphabetical list; and in case of challenge, an oath shall be administered by one of said judges as follows:

DISTRICT OF PORTO RICO.

..... Election District
of Precinct.

"I,..... being duly sworn, depose and say that I am entitled to be registered as a duly qualified voter of this precinct; that I have lived years in Porto Rico; and in this district..... months; that I am a qualified voter by reason of the fact that I (here insert qualification by giving list of property or otherwise, as may be required by law); that I make

this oath in good faith and for the purpose of being able to cast a vote at the coming election."

Sworn to and subscribed before me this.....
day of.....A. D. 19....

And in case no challenge is made of any person requiring his name to be entered on said alphabetical list, or in case of challenge, if such person shall make the foregoing oath showing a qualification, then the name of such person shall be added to the alphabetical poll list.

SECTION 6.—(301)—After said list shall have been duly completed, the said board shall, within two days thereafter, cause four copies of the same to be made, each of which shall be certified by them to be a correct list of the voters of said precinct, one of which shall be filed with the board of elections, and one of which shall be kept by said board of registration as judges of election; and two of which lists shall, immediately after completion, be posted in some conspicuous places, where the voting precinct shall have been established for the election, so that it may be accessible to any elector who may desire to examine the same or make copies thereof. It shall be the duty of the said judges carefully to preserve one of said lists for their use on election day. No vote shall be received at the election if the person offering to vote be not on the said register made on the Tuesday preceding the election.

SECTION 7.—(302)—If any person shall mutilate or tear down, or deface, or destroy any registration list made out or posted as required by law, he shall be guilty of a felony, and on conviction thereof shall be imprisoned in the penitentiary for a period of not less than one nor more than six years; or shall be fined in

any sum not less than five hundred nor more than one thousand dollars, or by both such fine and imprisonment.

SECTION 8.—(303)—If any person shall interfere with or impede the members of the board of registration in any way in the performance of their duties, such person shall be deemed guilty of a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary for a period not less than one nor more than five years.

SECTION 9.—(304)—The said board shall have and exercise the same powers in preserving order at their meetings, under this Act, as are given to judges of elections for preserving order on election day.

SECTION 10.—(305)—The necessary blanks for making the registers required by law shall be prepared by the Executive Council and transmitted to the persons entitled to receive them, in the same manner that blank returns of elections are now transmitted.

SECTION 11.—(306)—It shall be the duty of the alcalde of each and every municipality in Porto Rico to furnish to the board of registry any records or lists in their possession, and which may be called for by such board to assist it in the preparation of the registry lists.

SECTION 12.—(307)—If any alcalde shall fail or refuse to furnish such lists or records after demand has been made by such registry board for the same, upon conviction thereof he shall be punished by a fine not exceeding two hundred dollars nor less than one hundred dollars, and he may be suspended from his office by the Governor for such period as may be deemed wise.

SECTION 13.—(308)—No person shall transfer any property of any character to another for the purpose of enabling any one to be registered as any elector. Any person who violates the provisions hereof shall be

deemed guilty of a felony and upon conviction thereof shall be punished by imprisonment in the penitentiary for a period of not less than one nor more than three years.

SECTION 14.—(309)—No person shall receive or accept any property of any kind from another for the purpose of being able to register or vote, and any person who violates the provisions hereof shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than three years.

SECTION 15.—(310)—Every member of a registry board shall take an oath before entering upon his duties to the effect that he will support the Constitution of the United States and the laws of Porto Rico; that he will faithfully perform his duties as registry agent and will honestly and faithfully register all persons whom he knows are entitled to vote, as provided by law, and will not register any whom he knows to be disqualified; and that he will in all respects carry out the provisions of law. Said oath may be administered by any one capable of administering oaths or by one member of the registry board to the others, and by one of them to the first member.

SECTION 16.—(311)—If any registry agent or other person shall violate the provisions of this law, where punishment is not otherwise provided for, he shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment for a period of not less than one year nor more than two years in the penitentiary.

SECTION 17.—(312)—All laws or orders, or parts of orders, now in existence, in conflict with this Act, are hereby repealed.

SECTION 18.—(313)—The Executive Council shall have power to make such orders as may be necessary to carry out this Act.

SECTION 19.—(314)—This Act shall take effect from and after its passage.

Approved, March 1, 1902.

AN ACT

TO PROVIDE FOR MUNICIPAL ELECTIONS IN PORTO RICO.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(315)—Municipal elections shall be held in Porto Rico on the first Tuesday after the first Monday of November, Anno Domini, nineteen hundred and two, and every two years thereafter on the same day.

SECTION 2.—(316)—There shall be elected in each municipal district one alcalde, one municipal judge, one substitute municipal judge, three school trustees to form the school board, the members of the municipal council and all other municipal officers whose election is provided for by law.

SECTION 3.—(317)—All municipal officers elected as herein provided shall hold office for two years from and after the first day of January next ensuing after their election and until their successors are elected and have qualified.

SECTION 4.—(318)—No one shall be eligible to election to a municipal office unless he is a citizen of Porto Rico or of the United States and unless he has been resident within said municipal district six months next preceding the date of said election and unless he has paid property or industrial tax within one year prior

thereto in the respective municipal district and knows how to read and write, or has a degree in the sciences or arts.

SECTION 5.—(319)—Said municipal elections shall be held conjointly with the election of delegates to the House of Delegates and the Commissioner to the United States, severally provided for by an Act of Congress approved April twelfth, nineteen hundred, entitled "An Act temporarily to provide revenues and a civil government for Porto Rico and for other purposes," and the direction of said elections, the regulations as to the ballots and voting, the qualifications of voters, the restrictions and regulations as to registration shall be the same as and identical with, in all material respects those prescribed for the election of delegates by virtue of the provisions of said Act of Congress.

SECTION 6.—(320)—All laws, orders or decrees or parts of the same in conflict with this Act are hereby repealed.

SECTION 7.—(321)—This Act shall take effect from and after its passage.

Approved, February 11, 1902.

AN ACT

IN RELATION TO THE LIABILITY OF EMPLOYERS FOR INJURIES
SUSTAINED BY THEIR EMPLOYEES WHILE IN THEIR SERVICE.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(322)—That where, after the passage of this Act, personal injury is caused to an employee who is himself in the exercise of due care and diligence at the time;

1. By reason of any defect in the condition of the ways, works, or machinery, connected with, or used in the business of the employer, which arose from or had not been discovered or remedied owing to the negligence of the employer or of any person in the service of the employer and entrusted by him with the duty of seeing that the ways, works, or machinery, were in proper condition; or

2. By reason of the negligence of any person in the service of the employer entrusted with the exercising of superintendence whose sole or principal duty is that of superintendence; or

3. By reason of the negligence of any person in the service of the employer who has charge of, or physically controls, any signal switch, locomotive engine, car or train in motion, whether attached to an engine or not, upon a railroad, the employee, or, in case the injury results in death, his widow or children, or both of them, and if there be no such widow and children, then his parents (provided that said parents were dependent upon such employee for support) may maintain an action for damages against the employer, pursuant to the provisions of this Act.

SECTION 2.—(323)—That when an employee receives a personal injury under any of the conditions enumerated in section 1 hereof, he may bring an action against his employer before the proper district court, to recover damages for such injury. The damages so recovered shall not exceed the sum of two thousand dollars, and in assessing the amount of such damages the court shall take into consideration the degree of culpability of the employer, or of the person for whose negligence the employer is liable hereunder, the sums expended by the employee for medical attendance, for

drugs, medicines and similar necessary expenses, and the loss of wages while recovering from the injury; the court shall also take into consideration the physical pain and suffering caused by the injury. If the injury be of such character as to permanently impair the earning capacity of the employee, the court shall include in the damages awarded an allowance for such loss. In case the injury results in a temporary impairment of his earning capacity, the court, in addition to pain and suffering and the expenditures for medical services and drugs, shall take into consideration the average rate of wages which, under ordinary conditions, he might have earned if not injured.

SECTION 3.—(324)—That in case of the death of the employee before the termination of the action so brought against the employer, it may be continued in the name of his widow or children, and if there be no such widow or children, then in the name of his parents, if they, or either of them, were dependent upon such employee for support at the time of the injury. If it shall appear in any action so continued in the name of the widow, children or parents of a deceased injured employee that the death was the result of the injury, damages shall be assessed by the court in a sum not to exceed three thousand dollars; and the court shall estimate such damages in accordance with:

(a) The degree of culpability of the employer or of the person for whose negligence the employer is liable.

(b) The material damage incurred by the claimant or claimants through the death of the employee in accordance with the actual needs that said claimant or claimants had to depend upon the wages of such employee for their support, taking into consideration his

earning capacity and his probabilities of life, at the time of the accident.

SECTION 4.--(325)—That when, before having commenced an action hereunder, an employee dies as the result of personal injury received under any of the conditions enumerated under section 1 hereof, his widow, children, or both of them, or if there be no such widow or children, then his parents, provided such parents, were dependent upon such employee for support at the time of the injury, may maintain an action against the employer before the proper district court, for damages caused by the death of such employee. Such damages shall not exceed the sum of three thousand dollars and shall be fixed by the court in accordance with:

(a) The degree of culpability of the employer or of the person for whose negligence the employer is liable.

(b) The material damage incurred by the claimant or claimants through the death of the employee in accordance with the actual needs that such claimant or claimants had to depend upon the wages of such employee for their support, taking into consideration his earning capacity and his probabilities of life, at the time of the accident.

SECTION 5.—(326)—That the court, when fixing the amount of damages to be paid in case of death by personal injury under this Act, shall determine the amount due to each of the claimants in proportion to the material damages incurred by each of them in accordance with the actual needs which each of them had to depend upon the wages of the employee whose death was caused by accident.

SECTION 6.—(327)—That no action for the recovery

of damages for injury or death under the provisions of this Act shall be maintained unless notice of the time, place and cause of the injury is given to the employer within thirty days after the injury is received or unless it is commenced within six months from the date of the injury. The notice required by this section shall be in writing, signed by the person injured or by some one in his behalf; but if from physical or mental incapacity it is impossible for the person injured to give the notice within the time provided in said section, he may give the same within ten days after the incapacity is removed, and in case of his death without having given the notice and without having been at any time after his injury of sufficient capacity to give the notice the person or persons entitled to claim compensation pursuant to the provisions of this Act, or their representatives, may give such notice within thirty days after the death of such employee. But no notice given under the provisions of this section shall be deemed to be invalid or insufficient solely by reason of any inaccuracy in stating the time, place or cause of the injury; *Provided*, it is shown that there was no intention to mislead, and that the party entitled to notice was not in fact misled thereby.

SECTION 7.—(328)—That whenever an employee (r) enters into a contract, either written or verbal, with an independent contractor to do part of such employer's work, or whenever such contractor enters into a contract with a sub-contractor to do all or any part of the work comprised in such contractor's contract with the employer, such contract or sub-contract shall not bar the liability of the employer for injuries to the employees of such contractor or sub-contractor, by reason of any defect in the condition of the ways, works, ma-

chinery, or plant, if they are the property of the employer, or furnished by him, and if such defect arose or had not been discovered or remedied through the negligence of the employer or of some person entrusted by him with the duty of seeing that they were in proper condition.

SECTION 8.—(329)—That no employee, or his widow or children, or either of them, or his parents, if there be no such widow or children, shall be entitled under this Act to any right of compensation or remedy against the employer in any case where such employee knew of the defect or negligence which caused the injury, and failed within a reasonable time to give, or cause to be given, information thereof to the employer, or to some person superior to himself in the service of the employer who had entrusted to him some general superintendence.

SECTION 9.—(330)—That any employer who shall have contributed to an insurance fund created and maintained for the mutual purpose of indemnifying an employee for personal injuries for which compensation may be recovered under this Act, or who has insured the said employee in any insurance company against the accidents of labor, shall be entitled to have deducted from the sum which he shall have to pay as compensation under the provisions of this Act, the amount that shall have been received by the person injured, or by his widow, or children, or both of them, or by the parents, if there be no such widow and children, from the aforesaid fund or from the insurance company, by reason of the same accident.

SECTION 10.—(331)—That this Act shall not apply to injuries caused to domestic servants, or farm laborers, by fellow employees.

SECTION 11.—(332)—That all laws, orders, or decrees

or parts thereof in conflict with this Act are hereby repealed.

SECTION 12.—(333)—That this Act shall take effect from and after its passage.

Approved, March 1, 1902.

AN ACT

FIXING THE SALARIES OF CERTAIN MEMBERS OF THE EXECUTIVE COUNCIL.

Be it enacted by the Legislative Assembly of Porto Rico:

(334)—That pursuant to the provisions of section 26 of the Act of the Congress of the United States approved April 12 1900, the salary of each member of the Executive Council, whose compensation is not fixed by the said Act, shall be three thousand dollars per annum, and that such salaries shall accrue from the date at which the said members may have, respectively, qualified for office.

Approved, January 23, 1901.

AN ACT

TO PROVIDE APPROPRIATIONS TO SUPPLY URGENT DEFICIENCIES IN THE APPROPRIATION FOR SALARIES OF TEMPORARY EMPLOYEES OF THE EXECUTIVE COUNCIL OF PORTO RICO FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND TWO, AND FOR OTHER PURPOSES.

Be it enacted by the Legislative Assembly of Porto Rico:

(335)—That the following sums be, and the same are hereby appropriated, out of any money in the

treasury not otherwise appropriated, to supply deficiencies in the appropriation for salaries of temporary employees of the Executive Council of Porto Rico during the session of the Legislative Assembly, for the fiscal year ending June thirtieth, nineteen hundred and two:

For additional amount required to pay two assistant clerks engaged in enrolling, to be assigned to committees, for sixty days at four dollars per day, three hundred and twenty dollars;

For additional amount required to pay two translators for sixty days at six dollars per day, two hundred and forty dollars;

For one journal clerk for sixty days at five dollars per day, three hundred dollars;

For one Spanish and English typewriter for use of translators for sixty days at five dollars per day, three hundred dollars; in all, one thousand one hundred and sixty dollars.

Approved, January 20, 1902.

AN ACT

TO PROVIDE FOR A MILITARY STAFF FOR THE GOVERNOR OF PORTO RICO.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(336)—The Governor of Porto Rico is hereby authorized and empowered to appoint a military staff.

SECTION 2.—(337)—Such staff shall consist of six aides with the rank of colonel, and three aides with the rank of lieutenant colonel. They shall be commissioned by the Governor and hold office until their suc-

cessors are appointed and qualify, but they may be removed at any time by the Governor, who shall be the commander-in-chief of the said staff.

SECTION 3.—(338)—The uniform of the Governor's staff shall be that of officers of the United States Army of like grade; *Provided*, the buttons and other insignia worn, shall bear upon them the coat of arms of the island of Porto Rico.

SECTION 4.—(339)—There shall be no compensation allowed to members of the Governor's staff.

SECTION 5.—(340)—All laws or parts of laws, or orders or parts of orders, in conflict with this Act, be, and the same are hereby repealed.

SECTION 6.—(341)—This Act shall take effect from and after its passage.

Approved, January 31, 1901.

AN ACT

TO PROVIDE AN URGENCY APPROPRIATION IN ORDER TO SUPPLY DEFICIENCIES IN THE APPROPRIATION FOR SALARIES OF TEMPORARY EMPLOYEES OF THE HOUSE OF DELEGATES OF PORTO RICO, DURING THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND TWO, AND FOR OTHER PURPOSES.

Be it enacted by the Legislative Assembly of Porto Rico:

(342)—That the following sums be, and the same are hereby appropriated out of any moneys in the insular treasury not already appropriated for other purposes, in order to supply deficiencies in the appropriation for the salaries of temporary employees of the House of Delegates of Porto Rico during the session of the Legislative

Assembly in the fiscal year ending June thirtieth, nineteen hundred and two:

For the additional amount necessary to increase the salary of one clerk, during the legislative session, from two hundred and eighty dollars to three hundred and fifty dollars, seventy dollars;

For the additional amount necessary to increase the salary of one typewriter (recording clerk) during the legislative session, from one hundred and forty dollars to two hundred and eighty dollars, one hundred and forty dollars;

For the additional amount necessary to increase the salaries of three typewriters, during the legislative session, from one hundred and forty dollars each to two hundred and ten dollars each, two hundred and ten dollars;

For the additional amount required for the salaries of five additional typewriters, whose services shall be at the disposal of the respective committees, during sixty days, at the rate of three dollars per day, nine hundred dollars; making a total appropriation of one thousand three hundred and twenty dollars.

Approved, January 17, 1902.

AN ACT

AUTHORIZING INJUNCTIONS.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION I.--(343)—An injunction is a judicial command in writing issued under the seal of a court in a civil action directing a person to refrain from doing or permitting to be done by others under his control, a particular act which violates a right of another. It may

be embodied in the final judgment of an action, in which case it is a final injunction; or it may be granted as a provisional remedy upon petition or at the commencement of the action, in which case it is called a preliminary injunction.

SECTION 2.—(344)—Any judge of the Supreme Court, in cases in which it has original jurisdiction, and any judge of the respective district courts in all other cases in which an injunction may properly be issued, is authorized and empowered to issue preliminary injunctions. Final injunctions shall only be issued by the respective courts.

SECTION 3.—(345)—When it appears, by the petition, that the plaintiff is entitled to the relief demanded, and such relief, or any part thereof, consists in restraining the commission or continuance of some act, the commission or continuance of which, during the litigation would produce injury to the plaintiff; or when, during the litigation, it appears that the defendant is doing or threatens, or is about to do, some act in violation of the plaintiff's rights respecting the subject of the action, and tending to render the judgment ineffectual, a temporary injunction may be granted to restrain such act, and when, during the pendency of an action, it shall appear, by affidavit, that the defendant threatens or is about to remove or dispose of his property with intent to defraud his creditors, or to render the judgment ineffectual, a temporary injunction may be granted to restrain such removal or disposition.

SECTION 4.—(346)—The injunction may be granted at the time of the commencing of the action, or at any time afterward before the judgment of the court.

SECTION 5.—(347)—If the court deem it proper that the defendant, or any party to the suit, should be heard

before granting the injunction, it may direct a reasonable notice to be given such party to attend for such purpose, at a specified time and place, and may, in the meantime, restrain such party.

SECTION 6.—(318) An injunction shall not be granted against a party who has appeared in the action except upon due notice to him; but such party pending the decision of an application for an injunction, may be ordered to preserve the status of all matters involved in the petition or action.

SECTION 7.—(349)—No injunction or stay or restraining order shall be issued until the petitioner or complainant in the action shall give a bond with two sureties, the amount of the bond to be fixed and the sufficiency of the security to be approved by the court granting such injunction or order. The obligation of the bond shall be upon the condition that if it be finally decided that the injunction ought not to have been granted, the petitioner or complainant will pay to the person or persons enjoined, restrained or stayed the damages sustained by him or them as the result of such injunction or order.

SECTION 8.—(350)—An injunction or any stay or restraining order shall be addressed to the party enjoined and shall recite concisely the grounds, both in fact and in law, upon which it is based, and shall declare specifically the act or acts which are enjoined, stayed or restrained. When issued without notice to the party enjoined, it shall be served upon him as other processes of law are served and a return thereon shall be made without delay.

SECTION 9.—(351)—Where the injunction is allowed during the litigation, and without notice of the application therefor, the order of the injunction shall be

issued, and the proper officer shall forthwith serve the same on each party enjoined, and make return thereof without delay.

SECTION 10.--(352)--An injunction binds the party from the time he has notice thereof.

SECTION 11.--(353)--Disobedience of any injunction may be punished as a contempt by the court or any judge thereof. An attachment may be issued by the court or any judge thereof, upon being satisfied, by affidavit of the breach of the injunction against the party guilty of same, and he may be required in the discretion of the court to pay a fine not to exceed five hundred dollars, to make immediate restitution to the party injured, and to give further security to obey the injunction, or in default thereof, he may be committed to jail for not to exceed six months.

SECTION 12.--(354)--A party enjoined may, at any time before final judgment, upon a reasonable notice to the party who has obtained the injunction, move the court for additional security, and if it appear that the bond is insufficient, the court may vacate the injunction, unless in a reasonable time, sufficient security is given.

SECTION 13.--(355)--If the injunction be granted without notice, the defendant, at any time before the trial, may apply, upon notice, to the court in which court the action is brought, to vacate or modify same. The order of the court allowing, dissolving or modifying an injunction, shall be returned to the secretary of the court, and shall be obeyed the same as the original injunction.

SECTION 14.--(856)--An injunction may be granted to enjoin the illegal levy of any tax, charge or assessment or the collection of any illegal tax, charge or assessment

or any proceeding to enforce the same, and any number of persons whose property is affected by a tax or assessment so levied may unite in the petition filed to obtain such injunction. An injunction may be granted in the name of the People of Porto Rico to enjoin and suppress the keeping and maintaining of a common nuisance. The petition shall be verified by the fiscal of the district court of the district, where the common nuisance exists, or by the Attorney General upon information and belief and no bond shall be required.

SECTION 15.—(357)—All laws, parts of laws, orders, and parts of orders contrary with this Act be, and are hereby repealed.

SECTION 16.—(358)—This Act shall take effect from and after its passage.

Approved, March 1, 1902.

AN ACT

TO FIX A LEGAL RATE OF INTEREST ON ALL OBLIGATIONS.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(359)—That in the absence of an agreement in writing entered into and executed at the time, the rate of interest upon the loan or forbearance of money or goods or upon any variety of obligation or contract or upon unpaid judgments, shall be at the rate of twelve (\$12) dollars annually, on each one hundred (\$100) dollars or upon its equivalent in value and at the same rate for a greater or less sum or for a longer or shorter period. *Provided*, however, that no rate of interest shall be fixed by special agreement in excess of twelve (\$12) dollars a year on each one hundred (\$100) dollars or upon its equivalent of value.

SECTION 2.—(360)—This Act shall not apply to contracts entered into or obligations incurred or judgments rendered prior to the date of the passage hereof.

SECTION 3.—(361)—Section 1 of the foregoing shall not apply to loans made by licensed pawnbrokers, or to bottomry and respondentia bonds and contracts.

SECTION 4.—(362)—No persons shall, except as authorized by section 3 of this Act, demand or receive, directly or indirectly, any money or goods, or by way of commission or discount, or in any other way, any greater rate of interest for the loan or forbearance of any money, than the rate provided herein.

Any contract whereon or whereby directly or indirectly there is reserved, or accepted, or secured, or agreed to be reserved, accepted or secured any greater rate of interest than is allowed by this Act, is utterly void for all purposes; and a court of competent jurisdiction in a proper action may enjoin either the collection thereof, or any proceeding to enforce such contract, and may direct the original of such contract to be made void and the payment of the principal sum, or interest, or any part thereof shall not be required as a condition to granting the remedies last mentioned.

SECTION 5.—(363)—Any person who for any loan or forbearance pays or delivers any greater sum or value than is fixed by law as interest at the legal rate, or his representatives, may within one year after such payment or delivery, recover by action the excess of the money or value so paid over the amount of interest at legal rate from the person or his representative who accepted or received the same.

SECTION 6.—(364)—Any person who repays or returns any money, goods or other things taken, accepted or received in violation of this law or by a written in-

strument delivered to the other party of the contract before the commencement of a proceeding to enjoin the enforcement of the contract, or before the defense of usury is interposed by the borrower in an action on the contract, effectually relinquishes the right to any interest or discount or value reserved in violation of this Act shall be relieved from further forfeiture, penalty or punishment, and the contract from the date of the repayment, return or written relinquishment shall be valid and effectual.

SECTION 7. (365)—In calculations of interest, a month shall be considered as the twelfth part of a year and as consisting of thirty (30) days, and interest for any number of days less than a month shall be calculated by the proportion which such number of days bears to thirty (30).

SECTION 8.—(366)—When any person relying upon the provisions of this Act for the purpose of avoiding any contract for the payment of a greater rate of interest or compensation for a loan or forbearance of money or goods, seeks to avail himself of the provisions hereof in any proceeding to enforce such a contract, he shall set up specifically and under the separate defence for usury the facts which constitute a violation of this Act.

SECTION 9.—(367)—Nothing herein contained shall be construed to apply to payments of interest made under contracts entered into prior to the passage of this Act in which a different or other rate of interest from that provided for herein is specified, or to the payment of interest on judgments entered on contracts entered into prior to the passage of this Act in which another or different rate of interest is specified.

SECTION 10.—(368)—All laws, royal decrees and Gen-

eral Orders and parts thereof in conflict with any of the provisions of this Act are hereby repealed.

Approved, March 1, 1902.

AN ACT

TO SECURE THE EFFECTIVENESS OF JUDGMENTS.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(369)—Every person who shall bring an action for the fulfillment of any obligation, may obtain an order from the court having cognizance of the suit providing that the proper measures be taken to secure the effectiveness of the judgment as the case may require it, should it be rendered in his favor.

SECTION 2.—(370)—The effectiveness of the judgment shall be secured in the following manner:

- (a) If the obligation on which suit is brought be the delivery of a certain object or thing possessed by the defendant, or by a third person in the name of such defendant, said defendant, or third person, as the case may be shall be prohibited from alienating or encumbering the object or thing until judgment has been rendered.
- (b) If the obligation be the payment of any sum of money, the provisional remedy shall consist of the attachment of sufficient property of the debtor to cover the amount claimed.
- (c) If the obligation consists in the doing of a thing an attachment shall be issued against the person who is under such obligation for a sum necessary to execute the work left undone or done otherwise than as provided in the agreement.

- (d) If the purpose of the action be to prevent the accomplishment of an act, the remedy shall consist in prohibiting the defendant from executing or continuing the execution of such act under warning of being punished for contempt of court, and in the attachment of a sum sufficient to indemnify against any act executed in contravention of the rights of the defendant.
- (g) In the foregoing cases, if damages are claimed the remedy may include the attachment of the property of the defendant to an extent sufficient to cover such damages.
- (h) With respect to cases not provided for in the preceding rules, the court shall, in its discretion and in accordance with equity, adopt such measures as it may deem proper to secure the effectiveness of the judgment.

SECTION 3.—(371)—None of the preceding remedies shall be decreed, unless an action is entered, and a petition praying such remedy is made containing a statement of the points of law and of fact on which it is based.

SECTION 4.—(372)—If it be clearly shown by means of any authentic document that the fulfillment of the obligation may be legally enforced, the court shall decree the remedy without bond.

In any other case, it shall be required that a bond be furnished. The bond thus given shall secure the defendant against any damage caused to him by reason of the remedy.

SECTION 5.—(373)—For the purposes of this Act the following shall be deemed authentic documents:

- (a) Public documents.

- (b) Private documents certified to before á judge or notary by the person bound therein or by his heirs.
- (c) Private documents signed before a notary.
- (d) Certificates of any judicial proceeding in which a debtor may have confessed the existence of the obligation which is claimed.

SECTION 6.—(374)—Personal security can only be given by such persons as pay into the treasury of Porto Rico, in the capacity of real estate owners, a tax on property representing a capital double the value of the bond required by the court for ordering the remedy. The personal bond may be recorded in the registry of property making an annotation on the property of the person giving such bond and shall have the effect of notice to subsequent purchasers and parties in interets.

SECTION 7.—(375) — The mortgage bond shall be executed upon property having a value one third greater than the amount of the bond required by the court. The value of the property upon which the bond is executed may be ascertained by means of a certificate of the general insular taxes assessed upon the said property.

SECTION 8.—(376)—A cash bond shall be executed by depositing the amount required by the court in any bank or other banking institution subject to the order of the court.

SECTION 9.—(377)—The attachment and order prohibiting the alienation of real property shall be recorded in the registry of property, the court notifying the defendant thereof, and warning him that he cannot alienate the property attached except at public auction and after notice shall have been given to the plaintiff to be present at the sale, the proceeds of such sale to be

deposited subject to the order of the court; nor can the defendant alienate, in any case, the property on which a prohibition has been decreed. The alienation of any property in contravention of the provisions of this section, shall be deemed fraudulent for all civil and penal purposes, and the persons guilty of such offence shall also be punished for contempt of court.

SECTION 10.—(378)—An order prohibiting the alienation of personal property, and an attachment on the same, shall be effected by depositing the personal property in question with the court, or the person designated by it, under the responsibility of the plaintiff. If the defendant give sufficient bond, in the discretion of the court, to cover the value of the said property, the latter shall be deposited with him, under the warning and responsibilities of the preceding section. The owner of personal property under attachment may demand its sale at public auction, after notification to the plaintiff, upon condition that the proceeds of the sale be deposited with the court. Perishable property under attachment, or on which an order prohibiting its sale has been issued, shall be sold at public auction, upon petition of either of the parties, depositing the proceeds thereof as the court may direct.

SECTION 11.—(379)—The provisions of the preceding section are applicable to the crops yielded by the property under attachment or by the property the alienation of which has been prohibited if such attachment or prohibition include such crops.

SECTION 12.—(380)—Notwithstanding the provisions of section 9, the defendant shall be deprived of the custody and administration of the real property under attachment, or the alienation of which has been prohibited, if the said defendant, or the person in charge of

the said property, shall abandon it or neglect its administration, or execute any act with regard to said property which shall cause any considerable decrease in its value, provided the facts be satisfactorily proved to the court. In any of the cases aforesaid, the plaintiff, or the person he may designate upon his responsibility, may be appointed as depositary and administrator of the property and such plaintiff shall give sufficient bond, or increase the bond already given, if, in the judgment of the court it be insufficient to secure the proper performance of his duties as depositary and administrator.

SECTION 13.—(381)—Every remedy to secure the effectiveness of a judgment shall be void if the suit be suspended on petition of the party in whose favor the remedy was granted; or if the date fixed by the court for the hearing be extended on the petition of the said party, except in case the petition for suspension of proceedings or extension of time be based upon force majeure properly proved.

SECTION 14.—(382)—All allegations made by either party in the course of the proceedings regarding the remedy, shall be substantiated, notifying the other party by means of a summons to appear before any of the judges, each party having then an opportunity to produce their proofs. The court shall immediately decide the question, but in no case shall the incidental questions interfere with the course of the proceedings in the principal question or suit. Not more than five days shall elapse between the time the summons is served, and the appearance of the parties at the hearing, which shall not be suspended for any reason. Every decision of the court shall immediately be carried into effect, but the injured person may protest and declare his intention to

take an appeal, as provided in the law of civil procedure, against the final judgment of the court.

SECTION 15.—(383)—The payment or deposit by the defendant of the sums claimed from him, or a bond given by him to cover the claim, shall suspend the attachment ordered to secure said claim, or shall annul an attachment already in force.

SECTION 16.—(384)—The “Act of reconciliation” shall not be necessary in the actions referred to herein.

SECTION 17.—(385)—All laws, or orders, or parts of laws or orders in conflict with this Act are hereby repealed.

SECTION 18.—(386)—This Act shall take effect from and after its passage.

Approved, March 1, 1902.

AN ACT

TO ESTABLISH TRIAL BY JURY IN PORTO RICO.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(387)—The right of trial by jury is hereby established in Porto Rico; and the district courts are hereby vested with jurisdiction to grant trial by jury.

SECTION 2.—(388)—If any person is charged with a crime by a prosecuting attorney or by a grand jury, the punishment for which is capital punishment or two years or more confinement in any penal institution of the island, he may demand a trial by jury only in the district court having jurisdiction, and it shall be granted him under the following provisions.

SECTION 3.—(389)—Any person so charged shall, if he

elect to have a jury, announce such election to the court, through his counsel, or by his own statement; such election shall be made at least two days before the day set for the trial for the crime with which he is charged; and if not made before that time, he shall be deemed to have waived the right to trial by jury, in which case he shall be tried by the court.

SECTION 4.--(390)—If a person, so charged, has elected to have a jury trial, the secretary of the court shall make a minute thereof upon the journal or minutes of the court, and the jury shall be drawn by lot in manner provided by law.

SECTION 5.--(391)—All Acts or orders or parts of them now in force, in conflict with this Act be and the same are hereby repealed.

SECTION 6.--(392)—This Act shall take effect from and after April first, nineteen hundred and one.

Approved, January 12, 1901.

AN ACT

CONCERNING PROCEDURE IN JURY TRIALS.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.--(393)—A jury is a body of men selected from the citizens of a particular district, and invested with power to try questions of fact.

SECTION 2.--(394)—A jury shall consist of twelve men who must unanimously concur in any verdict rendered.

QUALIFICATIONS OF JURORS.

SECTION 3.--(395)—A person is competent to act as a juror if he be:

- I. A male citizen of the United States or of Porto Rico of the age of twenty-one and not more

than sixty years, who shall have been a resident of the island one year, and of the district or county ninety days before being selected and returned.

2. In possession of his natural faculties and of ordinary intelligence, and not decrepit.
3. Possessed of sufficient knowledge of the Spanish language.
4. Assessed on the last assessment roll of the district or county on property of the value of at least two hundred dollars belonging to him.

SECTION 4.—(396)—A person is not competent to act as a juror:

1. Who does not possess the qualifications prescribed by the preceding section, or
2. Who has been convicted of malfeasance of office or any felony or other high crime.

SECTION 5.—(397)—A person is exempt from liability to act as a juror if he be:

1. A judicial, civil or military officer of the United States or of this island.
2. A person holding a county, township or town office.
3. An attorney at law in practice.
4. A minister of the gospel, or a priest of any denomination, or an editor following his profession.
5. A teacher in a university, college, academy or school.
6. A practicing physician or druggist actually engaged in the business of dispensing medicines.
7. An officer, keeper, or attendant of an alms

house, hospital, asylum or other charitable institution.

8. Engaged in the performance of duty as officer or attendant of the insular prison, penitentiary or county jail.
9. An express agent, mail carrier, superintendent, employee, or operator of a telegraph line doing a general telegraph business in the island.
10. An active member of the militia or insular police of Porto Rico.
11. A superintendent, engineer or conductor on a railroad.

The court must discharge a person from serving as a trial juror in either of the following cases:

Where it satisfactorily appears that he is not competent; and,

Where it satisfactorily appears that he is exempt and claims the benefit of exemption.

SECTION 6.—(398)—A juror must not be excused by a court for slight or trivial cause or for hardship or inconvenience to his business, but only when material injury or destruction to his property, or of property entrusted to him, is threatened, or when his own health, or the sickness or death of a member of his family requires his absence.

SECTION 7.—(399)—If a person exempt from liability to act as juror as provided in section 4, be summoned as a juror, he may make and transmit his affidavit to the clerk of the court for which he is summoned, stating his office, occupation or employment, and such affidavit must be delivered by the clerk to the judge of the court where the name of such person is called, and if sufficient in substance, must be received as evidence of his right to exemption, and as an excuse for non-attendance in

person. The affidavit must then be filed by the clerk.

SELECTING AND RETURNING JURORS.

SECTION 8.--(400)--Upon the first Monday of April, of each year, it shall be the duty of the judges of the district court, or of a majority of them, to select the names of three tax paying citizens, resident within the district in which the court is held, to serve as jury commissioners for the ensuing year after their appointment.

SECTION 9.--(401)--The persons so selected must possess the qualifications of jurors, and in addition thereto they shall not have any personal interest in any litigation pending before the court at the time that they convene.

SECTION 10.--(402)--The judges shall cause such persons to be notified of their appointment upon the day of their selection, and within three days thereafter such jury commissioners shall meet at the place designated by the judges or at the county seat of the county, and must take an oath before one of the judges of the district court to the effect that they will each perform the duties of jury commissioner, to the best of their skill and understanding.

SECTION 11.--(403)--It shall then be the duty of the said jury commissioners to select the names of two hundred persons qualified to serve as jurors, and they must make a list of the names of such persons.

SECTION 12.--(404)--A list of the names of the persons so selected, showing the place of residence of each of them must be made out and signed by the jury commissioners or a majority of them. Within two days thereafter the list must be delivered by the jury commissioners to a judge of the district court, to be filed

by him in the court. For the purpose of selecting such names they shall have free access to the tax lists or books of any county or municipality.

SECTION 13.—(405)—Immediately after the list has been delivered to him, the secretary of the court, under the direction of the judges, must prepare suitable ballots, by writing the name of each juror so selected, as contained in the list, on separate pieces of paper. The ballots must be uniform, as nearly as may be, in appearance; and the secretary must deposit them in a box kept for that purpose.

SECTION 14.—(406)—The persons whose names are so returned shall be known as regular trial jurors of the district court, for the district in which they have been drawn, and they must serve for one year and until other persons are selected and returned.

DRAWING JURORS.

SECTION 15.—(407)—Cases where the defendants have elected to be tried by jury, shall be tried in sequence as far as may be practicable.

SECTION 16.—(408)—Whenever the criminal business of the district court requires the attendance of a trial jury, and no jury is in attendance, the court may make an order directing that a trial jury be drawn and summoned to attend before said court. Such order must specify the number of jurors to be drawn, which shall not exceed twenty-four, and the time at which the jurors are required to attend, And the court may direct that criminal cases, in which a jury may be required, be continued and fixed for trial when a jury shall be in attendance.

SECTION 17.—(409)—Immediately upon the order mentioned in the preceding section being made, the

secretary or clerk of the court, shall, in the presence of the judges, proceed to draw the jurors from the box, as follows:

1st. The secretary or clerk must shake the box containing the names of the two hundred trial jurors so as to mix the slips of paper upon which the names are written, and he shall then draw from said box as many slips of paper as are ordered by the court.

2nd. A minute of the drawing shall be entered on the court records, and the name on each slip of paper so drawn shall appear also.

3rd. If the name of any person is drawn from said box who is dead or who may have permanently removed from the district, or who is exempt from jury service, and the fact may be made to appear to the satisfaction of the judges, the name of such person shall be omitted from the list, and another juror shall be drawn in his place. After the drawing shall be completed, the secretary or clerk shall make a copy of the list of names of the persons so drawn, and certify the same to be correct and also the date of the order, and of the drawing and of the number of jurors drawn, and the time when, and the place where such jurors are required to appear. Such certificate and list shall then be delivered to a sheriff or if there be no sheriff, then to some capable officer of the court for service.

SUMMONING JURORS.

SECTION 18.--(410)--The officer of the court, as soon as he receives the list of jurors drawn, shall summon the persons named to attend the court at the time mentioned in the order, by leaving written notice to that effect at the jurors' places of residence, or by giving personal notice to each of them, and he shall

then return the list to the court, specifying the names of those who have been summoned, and the manner in which each was notified.

SECTION 19.—(411)—If a sufficient number of trial jurors duly drawn and notified, do not attend, or cannot be obtained in the opinion of the judges, without great delay or expense to form a jury, the court may, in its discretion, direct the secretary to draw from the box, in the presence of the court, the names of as many persons as the court deems sufficient for that purpose.

SECTION 20.—(412)—The sheriff or officer of the court must forthwith notify each person so drawn, and make a return as prescribed heretofore in this article.

FEES AND MILAGE OF JURORS.

SECTION 21.—(413)—Jurors shall receive one dollar and fifty cents per diem, and where they live more than two miles from the court, they shall be allowed ten cents per mile for going to court and returning to their homes, where actual traveling has been done.

FAILING TO APPEAR.

SECTION 22.—(414)—If any person summoned to appear as trial juror fails, refuses, or neglects to appear, he shall be considered guilty of contempt of court, and may be fined by the court in any sum not less than five dollars nor more than twenty-five dollars; and if any person, when second order or attachment is issued, neglects or refuses to appear, he may be fined as above provided and imprisoned by the court not longer than ten days in the municipal jail.

SECTION 23.—(415)—The defendant must be personally present at the time of his trial, and his counsel may be with him at such time, and the court shall

always be open to the public during the time of such trial.

CHALLENGING THE JURY.

SECTION 24.—(416)—The defendant or his counsel may challenge trial jurors.

SECTION 25.—(417)—A challenge is an objection made to a trial juror, and is of two kinds:

1. To the panel.
2. To an individual juror.

SECTION 26.—(418)—When several defendants are tried together, they cannot sever their challenges, but must join therein.

SECTION 27.—(419)—The panel is a list of jurors returned by the sheriff or other designated official of the court to serve at a particular court, or for the trial of a particular action.

SECTION 28.—(420)—A challenge to the panel is an objection made to all the jurors returned, and may be taken by either party.

SECTION 29.—(421)—A challenge to the panel only can be founded on a material departure from the forms prescribed in respect to the drawing and return of the jury as by this Act provided in civil actions, or on the intentional omission of the officer of the court to summon one or more of the jurors drawn.

SECTION 30.—(422)—A challenge to the panel must be taken before a juror is sworn, and must be in writing or be noted by the secretary or reported, and must plainly and distinctly state the facts constituting the ground of challenge.

SECTION 31.—(423)—If the sufficiency of the facts alleged as ground of the challenge is denied, the adverse party may except to the challenge. The exception need

not be in writing, but must be entered on the minutes of the court or of the secretary or reporter, and thereupon the court must proceed to try the sufficiency of the challenge, assuming the facts alleged therein to be true.

SECTION 32.—(424)—If, on the exception, the court finds the challenge sufficient, it may, if justice requires it, permit the party excepting to withdraw his exception, and to deny the facts alleged in the challenge. If the exception is allowed, the court may, in like manner, permit an amendment of the challenge.

SECTION 33.—(425)—If the challenge is denied, the denial may be oral, and must be entered on the minutes of the court or of the secretary or reporter, and the court must proceed to try the question of fact; and upon such trial, the officers, whether judicial or ministerial, whose irregularity is complained of, as well as any other persons, may be examined to prove or disprove the facts alleged as the ground of the challenge.

SECTION 34.—(426)—When the panel is formed from persons whose names are now drawn as jurors, a challenge may be taken to the panel on account of any bias of the officer who summoned them, which would be good ground of challenge to a juror. Such challenge must be made in the same form, and determined in the same manner, as if made to a juror.

SECTION 35.—(427)—If, either upon an exception to a challenge or a denial of the facts, the challenge is allowed, the court must discharge the jury so far as the trial in question is concerned. If it is disallowed the court must direct the jury to be impaneled.

SECTION 36.—(428)—Before a juror is called, the defendant must be informed by the court, or under its direction, that if he intends to challenge an individual

juror he must do so when the juror appears, and before he is sworn.

SECTION 37.—(429)—A challenge to an individual juror is either:

1. Peremptory; or:
2. For cause.

SECTION 38.—(430)—It must be taken when the juror appears, and before he is sworn to try the cause; but the court may for cause permit it to be taken after the juror is sworn, and before the jury is completed.

SECTION 39.—(431)—A peremptory challenge can be taken by either party, and may be oral. It is an objection to a juror for which no reason need be given, but upon which the court must exclude him.

SECTION 40.—(432)—If the offense charged be punishable with death, or with imprisonment in the island prison for life, the defendant is entitled to sixteen and the Island to eight peremptory challenges. On a trial for any other offense, the defendant is entitled to six and the Island to three peremptory challenges.

SECTION 41.—(433)—A challenge for cause may be taken by either party. It is an objection to a particular juror, and is either:

1. General—that the juror is disqualified from serving in any case; or
2. Particular—that he is disqualified from serving in the action on trial.

SECTION 42.—(434)—General causes of challenge are:

1. A conviction for felony.
2. A want of any of the qualifications prescribed by law to render a person a competent juror.
3. Unsoundness of mind, or such defect in the faculties of the mind or organs of the body as

renders him incapable of performing the duties of a juror.

SECTION 43.—(435)—Particular causes of challenge are of two kinds:

1. For such a bias as, when the existence of the facts is ascertained, in judgment of law disqualifies the juror, and which is known in this law as implied bias.
2. For the existence of a state of mind on the part of the juror in reference to the case, or to either of the parties, which will prevent him from acting with entire impartiality and without prejudice to the substantial rights of either party, which is known in this law as actual bias

SECTION 44.—(436)—A challenge for implied bias may be taken for all or any of the following causes, and for no other:

1. Consanguinity or affinity within the fourth degree to the person alleged to be injured by the offense charged, or on whose complaint the prosecution was instituted, or to the defendant.
2. Standing in the relation of guardian and ward, attorney and client, master and servant, or landlord or tenant, or being a member of the family of the defendant, or of the person alleged to be injured by the offense charged, or on whose complaint the prosecution was instituted, or in his employment on wages.
3. Being a party adverse to the defendant in a civil action, or having been complained against or accused by him in a criminal prosecution.

4. Having served on a trial jury which has tried another person for the offense charged.
5. Having been one of a jury formerly sworn to try the same charge, and whose verdict was set aside, or which was discharged without a verdict after the case was submitted to it.
6. If the offense charged be punishable with death, the entertaining of such conscientious opinions as would preclude his finding the defendant guilty; in which case he must neither be permitted nor compelled to serve as a juror.

SECTION 45.—(437)—An exemption from service on a jury is not a cause of challenge, but the privilege of the person exempted.

SECTION 46.—(438)—No person shall be disqualified as a juror by reason of having formed or expressed an opinion upon the matter or cause to be submitted to such jury, founded upon public rumor, statements in public journals, or common notoriety; provided it appear to the court, upon his declaration, under oath or otherwise, that he can and will, notwithstanding such an opinion, act impartially and fairly upon the matters to be submitted to him. The challenge may be oral, but must be entered in the minutes of the court or of the secretary or reporter.

SECTION 47.—(439)—If the facts are denied, the challenge must be tried by the court.

SECTION 48.—(440)—Upon the trial of a challenge to an individual juror, the juror challenged may be examined as a witness to prove or disprove the challenge, and must answer every question pertinent to the inquiry.

SECTION 49.—(441)—Other witnesses may also be

examined on either side, and the rules of evidence applicable to the trial of other issues govern the admission or exclusion of evidence on the trial of the challenge.

SECTION 50.—(442)—The court must allow or disallow the challenge, and its decision must be entered in the minutes of the court.

SECTION 51.—(443)—All challenges to an individual juror, except peremptory, must be taken, first by the defendant, and then by the fiscal or prosecuting attorney, and each party must exhaust all his or its challenges before the other party begins.

SECTION 52.—(444)—The challenges of either party for cause need not all be taken at once, but they must be taken separately, in the following order, including in each challenge all the causes of challenge belonging to the same class:

1. To the panel.
2. To an individual juror, for a general disqualification.
3. To an individual juror, for an implied bias.
4. To an individual juror, for an actual bias.

SECTION 53.—(445)—If all challenges on both sides are disallowed, either party, first the fiscal or prosecuting attorney, and then the defendant, may take a peremptory challenge, unless the party's peremptory challenges are exhausted.

THE TRIAL.

SECTION 54.—(446)—The jury having been impaneled, the clerk or judge of the court shall orally administer to them the following oath:—"You, and each of you, do solemnly swear that you will well and truly try the cause now pending before the court, and a true verdict

render, according to the evidence; so help you God."

The trial must then proceed, in the following order, unless otherwise directed by the court;

1. If the accusation, indictment or information be for felony, the clerk must read it, and state the plea of the defendant to the jury, and in cases where it charges a previous conviction, and the defendant has confessed the same, the clerk in reading it shall omit therefrom all that relates to such previous conviction. In all other cases this formality may be dispensed with.
2. The district attorney, or other counsel for the people, must open the cause and offer the evidence in support of the charge.
3. The defendant or his counsel may then open the defense, and offer his evidence in support thereof.
4. The parties may then respectively offer rebutting testimony only, unless the court, for good reason, in furtherance of justice, permit them to offer evidence upon their original case.
5. When the evidence is concluded, unless the case is submitted to the jury on either side, or on both sides, without argument, the district attorney, or other counsel for the people, and counsel for the defendant, may argue the case to the court and jury; the district attorney, or other counsel for the people, opening the argument, and having the right to close.
6. The judge may then charge the jury in writing, and must do so on any points pertinent to the issue, if requested by either party; and

he may state the testimony and declare the law.

SECTION 55.--(447)--When the state of the pleadings requires it, or in any other case, for good reasons, and in the sound discretion of the court, the order prescribed in the last section may be departed from.

SECTION 56.--(448)--If the accusation, indictment or information be for an offense punishable with death, two counsels on each side may argue the case to the jury. If it be for any other offense, the court may, in its discretion, restrict the argument to one counsel on each side.

SECTION 57.--(449)--A defendant in a criminal action is presumed to be innocent until the contrary is proved, and in case of a reasonable doubt whether his guilt is satisfactorily shown, he is entitled to an acquittal.

SECTION 58.--(450)--When it appears that the defendant has committed a public offense, and there is reasonable ground of doubt in which of two or more degrees he is guilty, he can be convicted of the lowest of such degrees only.

SECTION 59.--(451)--When two or more defendants are jointly charged with a felony, any defendant requiring it must be tried separately. In other cases the defendants jointly charged may be tried separately or jointly in the discretion of the court.

SECTION 60.--(452)--When two or more persons are included in the same charge, the court may at any time before the defendants have gone into their defense, on the application of the district attorney, direct any defendant to be discharged, that he may be a witness for the people.

SECTION 61.--(453)--When two or more persons are included in the same accusation, indictment or infor-

mation, and the court is of opinion that in regard to a particular defendant there is not sufficient evidence to put him on his defense, it must order him to be discharged before the evidence is closed, that he may be a witness for his codefendant.

SECTION 62.—(454)—The order mentioned in the last two sections is an acquittal of the defendant discharged, and is a bar to another prosecution for the same offense.

SECTION 63.—(455)—The rules of evidence in criminal actions shall be, so far as the same be applicable, those which apply in civil actions. The defendant is a competent witness in his own behalf, and as such may be sworn and testify; but the jury, in judging of his credibility, may take into consideration the fact that he is the defendant, and the nature and enormity of the crime with which he stands charged, but his failure to testify must not be used to his prejudice and the attorney prosecuting must not comment to the court or jury on the same.

SECTION 64.—(456)—Upon a trial for treason, the defendant cannot be convicted unless upon the testimony of two witnesses to the same overt act, or upon confession in open court; nor can evidence be admitted of an overt act not expressly charged in the accusation, indictment or information; nor can the defendant be convicted unless one or more overt acts be expressly alleged therein.

SECTION 65.—(457)—Upon a trial for conspiracy, in a case where an overt act is necessary to constitute the offense, the defendant cannot be convicted unless one or more overt acts are expressly alleged in the accusation, indictment or information, nor unless one of the acts alleged is proved; but other overt acts not alleged may be given in evidence.

SECTION 66.--(458)--Upon a trial for murder, the commission of the homicide by the defendant being proved, the burden of proving circumstances of mitigation, or that justify or excuse it, devolves upon him, unless the proof on the part of the prosecution tends to show that the crime committed only amounts to manslaughter, or that the defendant was justifiable or excusable.

SECTION 67.--(459)--A conviction cannot be had on the testimony of an accomplice, unless he is corroborated by other evidence, which in itself, and without the aid of the testimony of the accomplice, tends to connect the defendant with the commission of the offense; and the corroboration is not sufficient, if it merely shows the commission of the offense, or the circumstances thereof.

SECTION 68.--(460)--If, at any time after the evidence on either side is closed, the court deems it insufficient to warrant a conviction, it may advise the jury to acquit the defendant. But the jury are not bound by the advise.

SECTION 69.--(461)--When, in the opinion of the court, it is proper that the jury should view the place in which the offense is charged to have been committed, or in which any other material fact occurred, it may order the jury to be conducted in a body, in the custody of the sheriff, or other designated officer, to the place, which must be shown to them by a person appointed by the court for that purpose; and the sheriff, or other officer of the court, must be sworn to suffer no person to speak or communicate to the jury, nor to do so himself, on any subject connected with the trial, and to return them into court without unnecessary delay, or at a specified time.

SECTION 70.—(462)—If a juror has any personal knowledge respecting a fact in controversy in a cause, he must declare the same in open court during the trial. If, during the retirement of the jury a juror declare a fact which should be evidence in the cause, as of his own knowledge, the jury must return into court. In either of these cases, the juror making the statement must be sworn as a witness and examined in the presence of the parties.

SECTION 71.—(463)—The jurors sworn to try an action may, at any time before the submission of the cause to the jury, in the discretion of the court, be permitted to separate or be kept in charge of a proper officer. The officer must be sworn to keep the jurors together, until the next meeting of the court, to suffer no person to speak to them or communicate with them, nor to do so himself, on any subject connected with the trial, and to return them into court at the next meeting thereof.

SECTION 72.—(464)—The jury must also, at each adjournment of the court whether permitted to separate or kept in charge of officers, be admonished by the court that it is their duty not to converse among themselves, or with any one else, on any subject connected with the trial, or to form or express any opinion thereon until the cause is finally submitted to them.

SECTION 73.—(465)—If, before the conclusion of the trial, a juror becomes sick so as to be unable to perform his duty, the court may order him to be discharged. In that case, a new juror may be sworn, and the trial begun anew, or the jury may be discharged, and a new jury then or afterwards impaneled.

SECTION 74.—(466)—The court must decide all questions of law which arise in the course of a trial.

SECTION 75.—(467)—On a trial for libel, the jury

has the right to determine the law and the fact.

SECTION 76.—(468)—On a trial for any other offense than libel, questions of law are to be decided by the court, questions of fact by the jury; and, although the jury have the power to find a general verdict, which includes questions of law as well as of fact, they are bound, nevertheless, to receive as law what is laid down as such by the court.

SECTION 77.—(469)—In charging the jury the court must state to them all matters of law necessary for their information. All instructions given (except such as might incidentally be given during the admission of evidence) shall be in writing, unless both parties request the giving of an oral instruction, or consent thereto, and when so given orally, all instructions must be taken down by the stenographic reporter. Either party may present to the court any written charge, and request that it be given. If the court thinks it correct and pertinent, it must be given; if not, it must be refused. Upon each charge presented and given or refused, the court must endorse and sign its decision. If part be given and part refused, the court must distinguish, showing by the endorsement what part of the charge was given and what part refused.

SECTION 78.—(470)—After hearing the charge, the jury may either decide in court or may retire for deliberation. If they do not agree without retiring, an officer must be sworn to keep them together in some private and convenient place and not to permit any person to speak to or communicate with them, nor to do so himself, unless by order of the court, or to ask them whether they have agreed upon a verdict, and to return them into court when they have so agreed, or when ordered by the court.

SECTION 79.—(471)—When a defendant who has given bail appears for trial, the court may, in its discretion, at any time after his appearance for trial, order him to be committed to the custody of the proper officer of the county, to abide the judgment or further order of the court, and he must be committed and held in custody accordingly.

SECTION 80.—(472)—If the district attorney fails to attend at the trial, the court must appoint some attorney at law to perform the duties of the district attorney on such trial.

CONDUCT OF THE JURY AFTER THE CAUSE IS SUBMITTED
TO THEM.

SECTION 81.—(473)—A room must be provided for the use of the jury, upon their retirement for deliberation, with suitable furniture, fuel, lights and stationery. The court may order this room, and the expenses incurred in carrying the order into effect, when certified by the court, are a public charge.

SECTION 82.—(474)—While the jury are kept together, either during the progress of the trial or after their retirement for deliberation, they must be provided by the sheriff, or court officer, at the expense of the People of Porto Rico, with suitable and sufficient food and lodging.

SECTION 83.—(475)—Upon retiring for deliberation, the jury may take with them all papers (except depositions) which have been received as evidence in the cause, or copies of such public records or private documents given in evidence as ought not, in the opinion of the court, to be taken from the person having them in possession. They may also take with them the written instructions given, and notes of the testimony or other

proceedings on the trial, taken by themselves, or any of them, but none taken by any other person.

SECTION 84.—(476)—After the jury have retired for deliberation, if there be any disagreement between them as to the testimony, or if they desire to be informed on any point of law arising in the cause, they must require the officer to conduct them into court. Upon being brought into court, the information required must be given in the presence of, or after notice to, the district attorney and the defendant or his counsel, or after they have been called.

SECTION 85.—(477)—If, after the retirement of the jury, one of them be taken so sick as to prevent the continuance of his duty, or any other accident or cause occur to prevent their being kept for deliberation, the jury may be discharged.

SECTION 86.—(478)—Except as provided in the last section, the jury cannot be discharged after the cause is submitted to them until they have agreed upon their verdict, and rendered it in open court, unless by consent of both parties, entered upon the minutes, or unless at the expiration of such time as the court may deem proper, it satisfactorily appears that there is no reasonable probability that the jury can agree.

SECTION 87.—(479)—In all cases where a jury is discharged or prevented from giving a verdict by reason of an accident or other cause, except where the defendant is discharged during the progress of the trial, or after the cause is submitted to them, the cause may be again tried.

SECTION 88.—(480)—While the jury are absent, the court may adjourn from time to time, as to other business, but it must nevertheless be open for every purpose connected with the cause submitted to the jury,

until a verdict is rendered or the jury discharged.

THE VERDICT.

SECTION 89.—(481)—When the jury have agreed upon their verdict, they must be conducted into court by the officer having them in charge. Their names must then be called, and if all do not appear the rest must be discharged without giving a verdict. In that case the action may be again tried at the same or another term.

SECTION 90.—(482)—The defendant must, before the verdict is received, appear in person.

SECTION 91.—(483)—When the jury appear, they must be asked by the court, or clerk, whether they have agreed upon their verdict, and if the foreman answers in the affirmative, they must, on being required, declare the same.

SECTION 92.—(484)—The jury may render a general verdict, or, when they are in doubt as to the legal effect of the facts proved, they may, except upon a trial for libel, find a special verdict.

SECTION 93.—(485)—A general verdict upon a plea of not guilty is either “guilty” or “not guilty,” which imports a conviction or acquittal of the offense charged in the indictment. Upon a plea of a former conviction or acquittal of the same offense, it is either “for the people” or “for defendant”. When the defendant is acquitted on the ground that he was insane at the time of the commission of the act charged, the verdict must be “not guilty by reason of insanity.”

SECTION 94.—(486)—A special verdict is that by which the jury find the facts only, leaving the judgment to the court. It must present the conclusions of fact as established by the evidence, and not the evidence to

prove them, and these conclusions of fact must be so presented as that nothing remains to the court but to draw conclusions of law upon them.

SECTION 95.—(487)—The special verdict must be reduced to writing by the jury, or in their presence entered upon the minutes of the court, read to the jury, and agreed to by them before they are discharged.

SECTION 96.—(488)—The special verdict need not be in any particular form, but is sufficient if it present intelligibly the facts found by the jury.

SECTION 97.—(489)—The court must give judgment upon the special verdict as follows:

1. If the plea is not guilty, and the facts prove the defendant guilty of the offense charged in the accusation, information or indictment, or of any other offense of which he could be convicted under that accusation, information or indictment judgment must be given accordingly. But if otherwise, judgment of acquittal must be given.
2. If the plea is a former conviction or acquittal of the same offense, the court must give judgment of acquittal or conviction, as the facts prove or fail to prove the former conviction, or acquittal.

SECTION 98.—(490)—If the jury do not, in a special verdict, pronounce affirmatively or negatively on the facts necessary to enable the court to give judgment, or if they find the evidence of facts merely, and not the conclusions of fact, from the evidence, as established, to their satisfaction, the court must order a new trial.

SECTION 99.—(491)—Whenever a crime is distinguished into degrees, the jury, if they convict the defendant, must find the degree of the crime of which he is guilty.

SECTION 100.—(492)—Whenever the fact of a previous conviction of another offense is charged in an accusation, information or indictment, the jury, if they find a verdict of guilty of the offense with which he is charged, must also, unless the answer of the defendant admits the charge, find whether or not he has suffered such previous conviction. The verdict of the jury upon a charge of previous conviction may be: "We find the charge of previous conviction true," or, "We find the charge of previous conviction not true," as they find that the defendant has or has not suffered such conviction.

SECTION 101.—(493)—The jury may find the defendant guilty of any offense, the commission of which is necessarily included in that with which he is charged, or of an attempt to commit the offense.

SECTION 102.—(494)—On an accusation, information or indictment against several, if the jury cannot agree upon a verdict as to all, they may render a verdict as to those in regard to whom they do agree, on which a judgment must be entered accordingly, and the case as to the others may be tried by another jury.

SECTION 103.—(495)—When there is a verdict of conviction, in which it appears to the court that the jury have mistaken the law, the court may explain the reason for that opinion, and direct the jury to reconsider their verdict, and if, after the reconsideration, they return the same verdict, it must be entered; but when there is a verdict of acquittal, the court cannot require the jury to reconsider it. If the jury render a verdict which is neither general nor special, the court may direct them to reconsider it, and it cannot be recorded until it is rendered in some form from which it can be clearly understood that the intent of the jury is

either to render a general verdict or to find the facts specially, and to leave the judgment to the court.

SECTION 104.--(496)—If the jury persist in finding an informal verdict, from which, however, it can be clearly understood that their intention is to find in favor of the defendant upon the issue, it must be entered in the terms in which it is found, and the court must give judgment of acquittal. But no judgment of conviction can be given unless the jury expressly find against the defendant upon the issue, or judgment is given against him on a special verdict.

SECTION 105.--(497)—When a verdict is rendered, and before it is recorded, the jury may be polled, at the request of either party, in which case they must be severally asked whether it is their verdict, and if any one answers in the negative, the jury must be sent out for further deliberation.

SECTION 106.--(498)—When the verdict given is such as the court may receive, the clerk must immediately record it in full upon the minutes, read it to the jury, and inquire of them whether it is their verdict. If any juror disagree, the fact must be entered upon the minutes, and the jury again sent out, but if no disagreement is expressed, the verdict is complete, and the jury must be discharged from the case.

SECTION 107.--(499)—If judgment of acquittal is given on a general verdict, and the defendant is not detained for any other legal cause he must be discharged as soon as the judgment is given, except where the acquittal is because of a variance between the pleading and proof, which may be obviated by a new accusation, information or indictment, and the court may order his detention, to the end that a new accusation, information or indictment may be preferred.

SECTION 108.—(500)—If a general verdict is rendered against the defendant, or a special verdict is given, he must be remanded, if in custody, or if on bail, he may be committed to the proper officer of the county to await the judgment of the court upon the verdict. When committed, his bail is exonerated, or if money is deposited instead of bail, it must be refunded to the defendant.

SECTION 109.—(501)—If the jury render a verdict of acquittal on the ground of insanity, the court may order a jury to be summoned from the jury list of the district or county, to inquire whether the defendant continues to be insane. The court may cause the same witnesses to be summoned who testified on the trial, and other witnesses, and direct the district attorney to conduct the proceedings, and counsel may appear for the defendant. The court may direct the sheriff or officer of the court to take the defendant and retain him in custody until the question of continuing insanity is determined. If the jury find the defendant insane, he shall be committed by the sheriff or officer of the court to the insular insane asylum. If the jury find the defendant sane, he shall be discharged.

THE JUDGMENT.

SECTION 110.—(502)—After a plea or verdict of guilty or after a verdict against the defendant on plea of former conviction or acquittal, if the judgment be not arrested or a new trial granted, the court must appoint a time for pronouncing sentence, which must be at least two days after the verdict.

SECTION 111.—(503)—Upon a plea of guilty of a crime divided into degree, the court must, before passing sentence, determine the degree,

SECTION 112.—(504)—The defendant must be personally present when sentence is pronounced.

SECTION 113.—(505)—When the defendant is in custody, the court may direct the officer in whose custody he is to bring him before it for judgment, and the officer must do so.

SECTION 114.—(506)—If the defendant has been discharged on bail, or has deposited money instead thereof and does not appear for judgment when his personal appearance is necessary, the court, in addition to the forfeiture of the undertaking of bail, or of the money deposited, may direct the clerk to issue a warrant for his arrest.

SECTION 115.—(507)—The clerk, on the application of the district attorney shall, whether court be sitting or not, issue a warrant into one or more districts or counties.

SECTION 116.—(508)—The warrant must be substantially in the following form:..... District: In and for the district or county of.....: The island of Porto Rico to any sheriff, constable, marshal, or policeman in this island: A. B. having been on the day of..... A. D. nineteen hundred and..... duly convicted in the district court of the county of of the crime of..... (designating it generally), you are therefore commanded forthwith to arrest the above named A. B. and bring him before that court for judgment. Given under my hand with the seal of said court affixed, this..... day of..... A. D. nineteen hundred and..... By order of the court

(Seal)

Clerk.

SECTION 117.—(509)—When the defendant appears

for judgment, he must be informed by the court, or by the clerk, under its direction, of the nature of the charge against him, and of his plea, and the verdict, if any thereon, and must be asked whether he has any legal cause to show why judgment should not be pronounced against him.

SECTION 118.—(510)—He may show for cause against the judgment:

1. That he is insane; and if, in the opinion of the court, there is reasonable ground for believing him to be insane, the question of insanity must be tried as provided by law. If, upon trial of that question, the jury find that he is sane, judgment must be pronounced, but if they find him insane, he must be committed to the insane asylum until he becomes sane, and when notice is given of that fact, he must be brought before the court for judgment.
2. That he has good cause to offer, either in arrest of judgment or for a new trial; in which case, the court may, in its discretion, order the judgment to be deferred, and proceed to decide upon a motion in arrest of judgment or for a new trial.

SECTION 119.—(511)—If no sufficient cause is alleged or appears to the court why judgment should not be pronounced, it must thereupon be rendered.

SECTION 120.—(512)—After a plea or verdict of guilty where a discretion is conferred upon the court as to the extent of the punishment, the court, upon the oral suggestion of either party that there are circumstances which may properly be taken into view, either in aggravation or mitigation of the punishment, may, in

its discretion, hear the same summarily, at a specified time, and upon such notice to the adverse party as it may direct.

SECTION 121.—(513)—The circumstances must be presented by the testimony of witnesses examined in open court, except that when a witness is so sick or infirm as to be unable to attend, his deposition may be taken by a magistrate, out of court, upon such notice to the adverse party as the court may direct. No affidavit or testimony, or representation of any kind, verbal or written, can be offered to or received by the court, or a judge thereof, in aggravation or mitigation of the punishment, except as provided in this and the preceding section.

SECTION 122.—(514)—A judgment that the defendant pay a fine and costs may also direct that he be imprisoned until the fine is satisfied, specifying the extent of the imprisonment which must not exceed one day for every two dollars of the fine and costs.

SECTION 123.—(515)—When judgment of fine is entered against a defendant, and it is ordered that he be committed until the same is paid, if at any time thereafter the defendant prove to the court, or judge thereof by his own affidavit or that of any other person, that he is unable to pay such fine and costs, or any part thereof, the court, or judge thereof, may order the sheriff or officer having him in custody to release him upon his having been confined in jail one day for every two dollars of such fine and costs, or any portion thereof remaining unpaid; but if the defendant do not prove to the satisfaction of the court, or judge thereof, that he is unable to pay such fine and costs, or any part thereof, he shall not be released from confinement, except as hereinafter provided, unless the sheriff or officer of the

court has made the same upon execution out of his property.

SECTION 124.—(516)—Whenever any defendant is committed to jail for the failure to pay any fine and costs adjudged against him, and has failed to prove to the satisfaction of the court, or judge thereof, that he is unable to pay the same, or any part thereof, the court must order that he be discharged from custody when he has served one day for every two dollars of such fine; but this does not discharge the judgment for fine, which may at any time thereafter, within the time limited by law, be collected upon execution issued thereon.

SECTION 125.—(517)—To secure the pecuniary responsibilities of a criminally indicted party, an attachment shall be issued against a sufficient amount of his property at the discretion of the court, except where the said party enters into a bond conditioned upon said responsibilities. The attachment may be issued at any stage of the trial as the court may deem mete.

SECTION 126.—(518)—When judgment upon a conviction is rendered, the clerk must enter the same in the minutes, stating briefly the offense for which the conviction was had, and the fact of a prior conviction (if one), and must, within five days, annex together and file the following papers, which will constitute a record of the action:

1. The accusation, information or indictment, and a copy of the minutes of the plea or demurrer.
2. A copy of the minutes of the trial.
3. The charges given or refused, and the indorsements thereon; and
4. A copy of the judgment.

THE EXECUTION.

SECTION 127.—(519)—When a judgment, other than of death, has been pronounced, a certified copy of the entry thereof upon the minutes must be forthwith furnished to the officer whose duty it is to execute the judgment, and no other warrant or authority is necessary to justify or require its execution.

SECTION 128.—(520)—If the judgment is for a fine alone, execution may be issued thereon as on a judgment in a civil action.

SECTION 129.—(521)—If the judgment is for imprisonment, or a fine and imprisonment until it be paid, the defendant must forthwith be committed to the custody of the proper officer, and by him detained until the judgment is complied with.

SECTION 130.—(522)—If the judgment is for imprisonment in the insular prison, the sheriff or other officer of the court must, upon receipt of a certified copy thereof, take and deliver the defendant to the warden of the insular prison. He must also deliver to the warden the certified copy of the judgment, and take from the warden a receipt for the defendant,

SECTION 131.—(523)—Such sheriff or other officer, while conveying the criminal to the place of punishment, has the same power and like authority to require the assistance of any citizen of the Island in securing such criminal, and retaking him if he escapes, as such sheriff or other officer has in any other case; and all persons who neglect or refuse to assist such officer, when required, are liable to the same penalties as for similar refusals in other cases.

SECTION 132.—(524)—In all cases of conviction for felony, the court sentencing any person convicted,

must attach to the sentence of imprisonment the provision that such imprisonment be at hard labor; and whenever a jury designate in their verdict any term of imprisonment, the same means imprisonment at hard labor.

SECTION 133.—(525)—When judgment of death is rendered, a warrant signed by the judge, and attested by the clerk under the seal of the court, must be drawn and delivered to the sheriff or other officer of the court. It must state the conviction and judgment, and appoint a day on which the final judgment is to be executed, which must not be less than thirty nor more than sixty days from the time of the judgment.

SECTION 134.—(526)—If, after the judgment of death, there is good reason to suppose that the defendant has become insane, the principal officer of the court with the concurrence of the judge of the court by which the judgment was rendered, may summon from the list of jurors selected for the year, a jury of twelve persons to inquire into the supposed insanity, and must give immediate notice thereof to the district attorney.

SECTION 135.—(527)—The district attorney must attend the inquisition and may produce witnesses before the jury, for which purpose he may issue process in the same manner as for witnesses to attend before the court, and disobedience thereto may be punished in like manner as disobedience to process issued by the court.

SECTION 136.—(528)—A certificate of the inquisition must be signed by the jurors and the officer of the court and filed with the clerk of the court in which the conviction was had.

SECTION 137.—(529)—If it is found by the inquisition that the defendant is sane, the officer of the court must execute the judgment; but if it is found that he

is insane the officer of the court must suspend the execution of the judgment until he receives a warrant from the Governor or from the judge of the court by which the judgment was rendered directing the execution of the judgment. If the inquisition finds that the defendant is insane, the officer of the court must immediately transmit it to the Governor, who may, when the defendant becomes sane, issue a warrant appointing a day for the execution of the judgment.

SECTION 138.—(530)—If there is good reason to suppose that a woman against whom a judgment of death is rendered is pregnant or that a prisoner is dangerously sick, the officer of the court, with the concurrence of the judge of the court by which the judgment was rendered, shall summon a jury of three physicians to inquire into the supposed pregnancy or sickness. Immediate notice thereof must be given to the district attorney of the district, and the provisions of section 135 and 136, apply to the proceedings upon the inquisition.

SECTION 139.—(531)—If it is found by the inquisition that the woman is not pregnant, the officer of the court must execute the judgment; if it is found that the woman is pregnant the officer of the court must suspend the execution of the judgment, and transmit the inquisition to the Governor. When the Governor is satisfied that the woman is no longer pregnant or that the prisoner is no longer sick, he shall issue his warrant appointing a day for the execution of the judgment.

SECTION 140.—(532)—If for any reason a judgment of death has not been executed, and it remains in force, the court in which the conviction was had, on the application of the district attorney, must order the defend-

ant to be brought before it, or if he is at large, a warrant for his apprehension may be issued.

SECTION 141.—(533)—Upon the defendant being brought before the court, it must inquire into the facts, and if no legal reasons exist against the execution of the judgment, must make an order that the officer of the court execute the judgment at a specified time. The officer of the court must execute the judgment accordingly.

SECTION 142.—(534)—A judgment of death must be executed within the walls or yard of a prison, or some convenient private place in the district. The sheriff or other chief executive officer of the court must be present at the execution, and must invite the presence of a physician, the district attorney, and at least twelve reputable citizens, to be selected by him; and he shall, at the request of the defendant, permit such priests or ministers of the gospel, not exceeding two, as the defendant may name, and any persons, relatives or friends, not to exceed five, to be present at the execution, together with such peace officers as he may think expedient, to witness the execution. But no other persons than those mentioned in this section can be present at the execution, nor can any person under age be allowed to witness the same.

SECTION 143.—(535)—After the execution, the officer of the court must make a return upon the death warrant, showing the time, mode and manner, in which it was executed.

BILLS OF EXCEPTION.

SECTION 144.—(536)—On the trial of an accusation, information or indictment, exceptions may be taken by the defendant to a decision of the court:

1. In disallowing a challenge to the panel of the jury, or to an individual juror for implied bias.
2. In admitting or rejecting testimony on the trial of a challenge to a juror for actual bias.
3. In admitting or rejecting testimony, or in deciding any question of law not a matter of discretion, or in charging or instructing the jury upon the law on the trial of the issue.

SECTION 145.--(537)--When a party desires to have the exceptions taken at the trial settled in a bill of exceptions, the draft of a bill must be prepared by him, and presented, upon notice of at least two days to the district attorney, to the judge for settlement, within ten days after judgment has been rendered against him, unless further time is granted by the judge, or by a justice of the Supreme Court, or within that period the draft must be delivered to the clerk of the court for the judge. When received by the clerk, he must deliver it to the judge, or transmit it to him at the earliest period practicable. When settled, the bill must be signed by the judge and filed with clerk of the court.

SECTION 146.--(538)--Exceptions may be taken by either party to the decision of a court or judge upon a matter of law:

1. In granting or refusing a motion to set aside an accusation, information or indictment.
2. In granting or refusing a motion in arrest of judgment.
3. In granting or refusing a motion for a new trial.
4. In making, or refusing to make, an order after judgment affecting any substantial right of the parties.

SECTION 147.--(539)--Exceptions may be taken by the defendant to a decision of the court upon a matter of law:

1. In refusing to grant a motion for a change of the place of trial.
2. In refusing to postpone the trial on motion of the defendant.

SECTION 148.--(540)--Where a party desires to have the exceptions mentioned in the last two sections settled in a bill of exceptions, the draft of a bill must be prepared by him and presented, upon notice of at least two days to the adverse party, to the judge, for settlement, within ten days after the order or ruling complained of is made, unless further time is granted by the judge, or by a justice of the Supreme Court, or within that period the draft must be delivered to the clerk of the court for the judge. When received by the clerk, he must deliver it to the judge, or transmit it to him at the earliest period practicable. When settled, the bill must be signed by the judge, and filed with the clerk of the court. If the judge in any case refuses to allow an exception in accordance with the facts, the party desiring the bill settled may apply by petition to the Supreme Court to prove the same. The application may be made in the mode and manner, and under such regulations as that court may prescribe; and the bill, when proven must be certified by the chief justice as correct, and filed with the clerk of the court in which the action was tried, and when so filed it has the same force and effect as if settled by the judge who tried the cause. If the judge who presided at the trial ceases to hold office before the bill is tendered or settled, he may nevertheless settle such bill, or the party may, as pro-

vided in this section, apply to the Supreme Court to prove the same.

SECTION 149.—(541)—A bill of exceptions must contain so much of the evidence only as is necessary to present the questions of law upon which the exceptions were taken; and the judge must upon the settlement of the bill, whether agreed to by the parties or not, strike out all other matters contained therein.

SECTION 150.—(542)—When written charges have been presented, given or refused, or when the charges have been taken down by reporter, the questions presented in such charges need not be excepted to or embodied in a bill of exceptions, but the written charges or the report, with the indorsements showing the action of the court, form part of the record, and any error in the decision of the court thereon may be taken advantage of on appeal, in like manner as if presented in a bill of exceptions.

NEW TRIALS.

SECTION 151.—(543)—A new trial is a re-examination of the issue in the same court, before another jury, after a verdict has been given.

SECTION 152.—(544)—The granting of a new-trial places the parties in the same position as if no trial had been had. All the testimony must be produced anew, and the former verdict cannot be used or referred to either in evidence or in argument or be pleaded in bar of any conviction which might have been had under the accusation, information or indictment.

SECTION 153.—(545)—When a verdict has been rendered against the defendant, the court may, upon his application, grant a new trial in the following cases only:

1. When the trial has been had in his absence.
2. When the jury has received any evidence out of court other than that resulting from a view of the premises.
3. When the jury has separated without leave of the court after retiring to deliberate upon their verdict, or been guilty of any misconduct by which a fair and due consideration of the case has been prevented.
4. When the verdict has been decided by lot, or by any means other than a fair expression of opinion on the part of all the jurors.
5. When the court has misdirected the jury in a matter of law, or has erred in the decision of any question of law arising during the course of the trial.
6. When the verdict is contrary to law or evidence.
7. When new evidence is discovered material to the defendant, and which he could not, with reasonable diligence, have discovered and produced at the trial. When a motion for a new trial is made upon the ground of newly discovered evidence, the defendant must produce at the hearing in support thereof, the affidavits of the witnesses by whom such evidence is expected to be given, and if time is required by the defendant to procure such affidavits, the court may postpone the hearing of the motion for such length of time as, under all the circumstances of the case, may seem reasonable.

SECTION 154.--(546)--The application for a new trial must be made before judgment.

APPEALS TO THE SUPREME COURT.

SECTION 155.--(547)--Either party in a criminal action tried by jury, may appeal to the Supreme Court on such questions alone as may be prescribed by law and by rule of the Supreme Court.

SECTION 156.--(548)--Immediately after the passage of this Act, the Attorney General, with concurrence of two district judges, shall frame rules of procedure to carry this Act into effect, which rules, when not inconsistent with this Act, shall govern the court and officers named therein, and have the same force and effect as if incorporated into this Act. The Attorney General, with the concurrence of two district judges, may from time to time amend said rules. A copy of said rules shall be forwarded to all the courts and officers affected thereby. The said rules shall prescribe the form of all notices, summonses, lists, records, ballots, entries, minutes and all records and documents required by this Act or by said rules.

SECTION 157.--(549)--The foregoing Act concerning procedure in jury trials shall be applicable to cases only where the accused has demanded a jury.

SECTION 158.--(550)--The sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for fees of jurors and incidental expenses necessary to carry into effect the provisions of this Act during the present fiscal year.

SECTION 159.--(551)--All laws and parts of laws in conflict with this law, be and the same are hereby repealed.

SECTION 160.--(552)--This Act shall take effect from and after April first, A. D. nineteen hundred and one.

Approved, January 31, 1901.

AN ACT

IN RELATION TO LABOR.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(553)—That the orderly and peaceable assembling or co-operation of persons employed in any calling, trade or handicraft, for the purpose of obtaining an advance in the rate of wages or compensation, or of maintaining such rate, shall not be unlawful, nor shall it be unlawful for such persons to organize trade or labor assemblies or unions for the purpose of bettering the mental and material condition of the members thereof by lawful peaceable means.

SECTION 2.—(554)—That the employment of force, violence, intimidation or menace, or any form of coercion, by any person, or by persons associated together, against any other person or persons, whether with the object of preventing them from freely pursuing their employments, professions or trades or whether with the object of influencing the price or remuneration paid for their work, shall be a misdemeanor, and any person convicted thereof shall be imprisoned not less than thirty days nor more than one year, or fined not less than ten dollars nor more than five hundred dollars, or both fined and imprisoned.

SECTION 3.—(555)—That all laws, decrees, or orders or parts of laws, decrees or orders in conflict with this Act are hereby repealed.

SECTION 4.—(556)—This Act shall take effect from and after its passage.

Approved, March 1, 1902.

AN ACT

DEFINING THE PRIVILEGES AND IMMUNITIES OF MEMBERS OF
THE LEGISLATIVE ASSEMBLY.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(557)—No member of the Legislative Assembly shall be questioned in any other place, nor shall he be liable in any civil or criminal action whatever for words spoken in debate in either house.

SECTION 2.—(558)—Members of the legislature in all cases except treason, felony or breach of the peace, shall be privileged from arrest during the session of the legislature, and for fifteen days next before the commencement and next after the termination thereof; nor shall any member during the same period be summoned to attend as a witness in any court except with the consent of the house of the legislature of which he is a member.

SECTION 3.—(559)—Each house of the Legislative Assembly has power and authority to punish as a contempt by fine or imprisonment, or either of them, the offense of knowingly arresting a member in violation of his privilege; of assaulting or threatening to assault a member, or threatening to do him any harm in person or property, for anything said or done in either house, as a member thereof; of attempting, by menace or other corrupt means, to control or influence a member in giving his vote, or to prevent his giving it; of disorderly or contemptuous conduct, tending to disturb its proceedings; of refusing to attend, or to be sworn, or to be examined as a witness before either house or a committee, when duly summoned; of assaulting or pre-

venting any person going to either house or its committee by order thereof, knowing the same; or rescuing or attempting to rescue any person arrested by order of either house, knowing such arrest; and of knowingly injuring any officer of either house in the discharge of his duties as such.

SECTION 4.—(560)—Imprisonment for contempt of either house, shall not exceed the unexpired time of the legislative session and shall be in a penal institution of the district in which the Legislative Assembly may then be sitting, or if there be no such penal institution then in one of the nearest penal institutions.

SECTION 5.—(561)—Should a fine be imposed for any offense mentioned in the previous sections, it shall not exceed one hundred dollars for the first offense or two hundred and fifty dollars for a subsequent offense.

SECTION 6.—(562)—Fines and imprisonment shall be imposed only by virtue of an order of the proper house, entered on its journals, stating the grounds therefor. Imprisonment shall be effected only upon a warrant, under the hand of the presiding officer, for the time being, of the house ordering it, countersigned by the clerk of the house, running in the name of the People of Porto Rico and directed to the chief of the insular or municipal police; and under such warrant the officer of the house, chief of the insular or municipal police shall arrest and detain the person.

SECTION 7.—(563)—Fines shall be collected by virtue of a similar warrant, directed to any proper judicial officer of the district in which the offender has property, and executed in the same manner as executions for fines issued by courts of justice, and the proceeds shall be paid into the insular treasury.

SECTION 8.—(564)—Punishment for contempt as in

this chapter provided is no bar to any other proceeding, civil or criminal, for the same offense.

SECTION 9.—(565)—All laws, decrees, general orders and parts thereof contrary to this Act be and are hereby repealed.

SECTION 10.—(566)—This Act shall take effect from and after its passage.

Approved, February 21, 1902.

AN ACT

AUTHORIZING CIVIL ACTIONS TO RECOVER DAMAGES FOR LIBEL
AND SLANDER.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(567)—The civil action for damages for libel and slander is hereby established.

SECTION 2.—(568)—Libel is the malicious defamation of a person made public by writing, printing, sign, picture, representation, effigy, or other mechanical mode of publication tending to subject him to public hatred or contempt, or to deprive him of the benefit of public confidence and social intercourse, or to injure him in his business, or in any other way to throw discredit, contempt or dishonor upon him, or malicious defamation made public as aforesaid, designed to blacken or vilify the memory of one who is dead and tending to scandalize or provoke his surviving relatives or friends.

SECTION 3.—(569)—Slander is a false and unprivileged publication other than libel, which imputes to any person the commission of a crime, or tends directly to injure him in respect to his office, profession, trade or business, or which by natural consequences causes actual damages.

SECTION 4.—(570)—A publication or communication shall not be held or deemed malicious when made in any legislative or judicial proceeding or in any other proceeding authorized by law. A publication or communication shall not be presumed to be malicious when made:

First. In the proper discharge of an official duty.

Second. In a fair and true report of a judicial, legislative, official or other proceeding, or of anything said in the course thereof.

Third. To an insular official upon probable cause with the intention of serving the public interest or of securing the redress of a private wrong.

SECTION 5.—(571)—Malice shall be presumed to exist in any injurious communication or writing made without justifiable motive and addressed to any person other than to a relative within the third degree, or to a person whom the author has under his guardianship or when said communication passes between persons having business in partnership, or other similar association.

SECTION 6.—(572)—If the plaintiff be a public employee and the libel refer to acts connected with his office, judgment shall be rendered for the defendant if he prove the truth of his charges.

SECTION 7.—(573)—If there be a judgment in favor of the plaintiff, the judgment shall include costs and a reasonable attorney's fee, to be assessed by the court. If there be a judgment in favor of the defendant, and if the court finds that the action was commenced by the plaintiff without justifiable cause, the judgment shall include besides costs, an attorney's fee which shall be assessed by the court and shall not exceed one hundred and fifty (150.00) dollars.

SECTION 8.—(574)—To sustain the charge of publishing libel it is not needful that the words for which suit is brought should have been read by any person; it is enough and sufficient evidence if the accused knowingly parted with the immediate custody of the libel or exposed the same to view under circumstances which allowed it to be read by any other person.

SECTION 9.—(575)—Actions brought under this Act shall be independent of any criminal action which may arise out of the libel or slander; but in case damages have been assessed in a criminal action for libel or slander, prosecuted by the fiscal, no civil action shall be brought to recover damages for the same libel or slander until the plaintiff has formally waived damages adjudged in such criminal action.

SECTION 10.—(576)—That all laws, parts of laws, orders and parts of orders, contrary to this Act be, and the same are hereby repealed.

SECTION 11.—(577)—That this Act takes effect from and after its passage.

Approved, February 19, 1902.

AN ACT

TO ESTABLISH THE BOUNDARY LINE FOR THE TAXATION OF THE DISTRICTS OF LOIZA AND RIO GRANDE.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(578)—That for the purposes of assessment and taxation of property, until otherwise agreed upon by the ayuntamientos of Loiza and Rio Grande, the boundary line between the said districts of Loiza and Rio Grande, shall be fixed by the Commissioner of

the Interior of Porto Rico, and all assessments and taxes hereafter to be made, shall be had and collected with reference to the boundary line established by such official.

SECTION 2.—(579)—This Act shall take effect from and after its passage.

Approved, January 31, 1901.

AN ACT

AUTHORIZING THE SALE OR LEASE OF THE IRON PIER AND CERTAIN ADJACENT LANDS BELONGING TO THE GOVERNMENT OF PORTO RICO, AT MAYAGÜEZ TO THE NAVY DEPARTMENT OF THE UNITED STATES, FOR NAVAL PURPOSES.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(580)—The Governor of Porto Rico is hereby authorized and empowered to enter upon a contract of sale or lease with the Navy Department of the United States for the transfer by the Government of Porto Rico to the said Navy Department of the United States of that certain iron pier situated and being in the harbor of Mayagüez, together with such adjacent land as may be agreed upon between the Government of Porto Rico and the said Navy Department as necessary for naval purposes by the Navy Department of the United States. The consideration for any such transfer or lease shall be such as may be agreed upon between the Governor and the Navy Department; *Provided*, no transfer shall be final and effective until approved of by the Executive Council; *Provided*, no sale shall be made for a sum less than twenty-five thousand (25,000) dollars, and *Provided* further that the proceeds arising from any

such sale shall be deposited in the insular treasury as a general harbor improvement fund, to be expended upon harbor improvements in Porto Rico upon plans which may hereafter be formulated for the permanent improvement of the harbors of the island.

SECTION 2.—(581)—This Act shall take effect from and after its passage.

Approved, March 1, 1902.

AN ACT

CONCERNING MUNICIPALITIES.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(582)—That this Act shall be known as the “Municipal Law” and shall apply to all municipalities of the island except such as may hereinafter be organized as cities by an Act or under special charters.

SECTION 2.—(583)—That where the word “population” appears in this Act reference is had to population as shown by the latest census or enumeration taken under the laws of the island or the laws of the United States.

SECTION 3.—(584)—That the separation of the rural part of any municipality from and the annexation thereof to another municipality contiguous to said rural district shall be effected in accordance with the following provisions: A majority of the adult taxpayers of the rural district desiring separation as aforesaid shall petition the Secretary of Porto Rico to that effect. Said Secretary shall appoint two persons of good reputation, one of whom shall be a resident of the rural district desiring separation and the other shall be a resident of the municipality to which said rural district

desires to be annexed, who together, within ten days, shall appoint a third person, and together with said third person shall constitute a reporting committee. If during said ten days the appointment of said third person, for any reason, shall not have been made, said third person then shall be appointed by the Secretary of Porto Rico. The committee so designated shall hold public sittings to hear all persons who may be affected by the separation and annexation and shall give due notice of said sittings in the municipalities affected. Said hearings shall last fifteen days. During said time said committee shall request the councils of both municipalities to be informed as to the advantages of said separation and annexation. As soon as said reporting committee shall have all the data necessary to the formation of its judgment but at least within fifteen days from the termination of the sittings, it shall send to the Secretary of Porto Rico the proper report, together with all papers gathered in by it concerning the matter. The Secretary shall send written proceedings to the Executive Council of Porto Rico, together with his recommendations, for final decision thereon, and said Executive Council shall, if it grants the petition, prescribe the rules governing said separation and annexation.

CORPORATE CHARACTER.

SECTION 4.—(585)—That the inhabitants of any municipality within the meaning of this Act are hereby constituted a body corporate and politic which shall have perpetual succession, may use its own official seal, sue and be sued, acquire property by purchase, gift, or devise, by virtue of the proceedings for the collection

of taxes, and by condemnation proceedings, and hold, manage and control the same, and generally may perform such acts as may be necessary for the due exercise of the corporate functions as provided by this Act. The seats of government shall be in the cities and towns bearing the names of their respective municipalities.

SECTION 5.—(586).—That the qualifications for voters at the elections for municipal officers shall be the same as the qualifications of voters for members of the House of Delegates; and all municipal elections shall be held in pursuance of the requirements of the law governing municipal elections, but the Executive Council of Porto Rico shall have power to fix another date for a new election when public interests may for special reasons so require.

THE COUNCIL.

SECTION 6.—(587)—That in each municipality there shall be a council which shall have full power and authority, except as otherwise herein provided, to exercise all powers conferred upon the municipality.

SECTION 7.—(588)—That the municipal council shall consist of nine members in municipalities having a population of twenty thousand (20,000) inhabitants or over, and five members in municipalities having a population of less than twenty thousand (20,000) inhabitants, who shall be elected on the general ticket and shall serve, without remuneration, for a period of two years from the first Monday of the January immediately succeeding their election.

SECTION 8.—(589)—Councilmen shall possess the qualifications prescribed by the law governing municipal elections in force at the time of said elections. If

at any time during his term of office a councilman shall become lacking in the qualifications required of him as such, his office shall be declared vacant by the municipal council, or, in its failure to act, by the Secretary of Porto Rico upon the matter being brought to his attention.

SECTION 9.—(590)—That no members shall hold any other public office, or hold any other office or employment the compensation of which is paid out of public moneys, or to be elected or appointed to any office created by or the compensation of which has been increased by the council while he was a member thereof, until one year after the term for which he was elected; or be interested directly or indirectly in any contract with the municipality; or be in the employ of any person having any contract with the municipality, or in that of the grantee of any privilege granted by the municipality. Any councilman becoming disqualified for the office of councilman in virtue of the provision of this Act, or any other provisions of law, shall be removed from office by the municipal council, or, in its failure to Act, by the Secretary of Porto Rico upon the matter being brought to his attention.

SECTION 10.—(591)—That the municipal council shall meet on the second Monday of the January immediately succeeding the election. At this inaugural meeting the councilmen elected at said election shall be present and shall take their oaths of office before the outgoing mayor or any other person duly qualified to administer an oath. If for any reason whatsoever any one or more of the newly elected councilmen shall fail to attend said inaugural meeting the vacancies thus occasioned shall be filled by the supplemental councilmen in the order in which they appear. But if for reason

of physical disability or other adequate cause a councilman is prevented from being present and taking his oath of office at said inaugural meeting, he shall be allowed a period of fifteen days in which to appear and take his oath, and if he does not so within said period then his office shall be declared vacant by the municipal council and the vacancy thus occasioned shall be filled as provided for in Section 14 of this Act.

SECTION 11.—(592)—That the council thus constituted shall elect by secret ballot one of its members as president who shall immediately enter upon his office, and his term of office shall be that of the council electing him. It shall also, at the same time elect a substitute, who shall act as president in the case of the latter's absence, Should both president and vice-president be absent from any session, the oldest councilmen present shall preside.

SECTION 12.—(593)—That the council shall at said meeting prescribe the day and hour of its regular meetings, which regular meetings shall be held at least once in each week.

SECTION 13.—(594)—That the council shall at its second regular meeting, at latest, prescribe the rules and procedure which shall constitute its by-laws.

SECTION 14.—(595)—That if any member of the municipal council fails, without being excused by said council, to attend three consecutive regular meetings, his office shall be declared vacant by the said council and the vacancy thus caused shall be filled as provided by this section. When a mayor or a member of the municipal council wishes to resign his office, or when reason of decision of a competent court, or for any other cause a mayor or a councilmen is removed, by the Governor, or his office becomes vacant for any cause whatsoever

his resignation, or removal, or the vacation of office shall be communicated in writing to the Secretary of Porto Rico by means of a letter or a duly attested copy of the order or decree of removal, as the case may be, and the Secretary shall inform the Governor of Porto Rico. If the reasons given for the resignation shall be deemed sufficient by the Governor, or if the Governor deems the reasons for such removals adequate, and in all other cases he shall, with the advice and consent of the Executive Council of Porto Rico, fill such vacancy or vacancies, appointing the person or persons who shall discharge the duties of such office or offices until the next municipal election; *Provided*, that in cases of resignations the mayor or councilman shall send a copy of the same to the corporation to which he may belong.

SECTION 15.—(596).—That the meetings of the councils shall be public and shall be held in the municipal halls in the respective municipalities.

SECTION 16.—(597).—That the mayor shall, when he thinks public interests require it, or when one-third ($\frac{1}{3}$) of the councilmen or Secretary of Porto Rico so request, call a special meeting of the municipal council any time. For that purpose the municipal secretary shall serve a written notice on each member at least twenty-four hours before such special meeting, which notice shall state the precise time of the meeting and its object. At such special meeting it shall not be legal for the council to take up any other matters than those specified in the said notice.

SECTION 17.—(598).—That a majority of the total number of councilmen shall constitute a quorum for the transaction of business, but a minority may adjourn, from time to time, and may compel the attendance of

absentees under such penalties as may be prescribed by the by-laws.

SECTION 18.--(599).--That there shall be kept a journal of the proceedings of each council, in which shall be entered the names of the president and of the other councilmen present at each meeting, the questions treated thereat, and a record of the vote on every resolution or ordinance presented at the meeting. The opinion of any member shall, at his request, be made a matter of record. At the opening of each meeting the minutes of the previous meeting shall be read, corrected if necessary, and approved, and any objection thereto entered on the record.

SECTION 19.--(600).--That the journal of proceedings of the council shall at all times be opened to the public during office hours, and no resolution or ordinance shall be valid unless entered in such journal and signed by the president and secretary.

SECTION 20.--(601).--That the municipal council or any committee thereof duly authorized by it, so to do, may investigate the official acts and conduct of any municipal officer; and, for the purpose of ascertaining the facts in connection with such investigation, shall have power to compel the attendance and testimony of witnesses, to administer oaths, to examine such persons as it may be necessary, and to compel the production of books and papers. Wilful false swearing in such investigations shall constitute perjury and be punishable as such. In such investigations such officers shall be allowed to appear and to be represented by counsel.

CORPORATE POWERS.

SECTION 21.--(602).--That the powers of the councils shall be legislative only, except as otherwise provided

by this Act or by any other provisions of law not inconsistent herewith, and they shall exercise only such powers as are duly given to them by law.

SECTION 22.--(603)—That the council may levy taxes and shall have the management and control of the finances and of all the property, real and personal, belonging to their respective municipalities subject to the limitations prescribed by this Act, and by any provision of law now in force and relating thereto and not inconsistent herewith.

SECTION 23.--(604)—That the councils shall have power, subject to the further provisions of this Act, to pass any ordinance or resolution not in conflict with the laws of the island in respect to the following matters: (1), The opening and survey of streets, parks and promenades, and other municipal public highways. (2), Paving, lighting and drainage. (3), Water supply. (4), Public bathing establishments, lavatories and slaughter houses. (5), Fairs and markets. (6), Public education, and libraries. (7), Sanitation and hospitals. (8), Public charity. (9), Cemeteries. (10), Construction of buildings. (11), Police regulations in relation to public order and health, and in relation to each of the public functions herein enumerated and to the public welfare.

SECTION 24.--(605)—That the council shall have power by ordinance to establish penalties by way of fines not exceeding twenty-five dollars (\$25.00), or imprisonment not exceeding thirty days, or both, for infractions and violations of municipal ordinances and police rules and regulations, to be enforced by proceeding in the proper court.

SECTION 25.--(606)—That the mayor of each municipality shall be elected by the qualified voters thereof at the same time and assume office at the same time as

the council provided for herein and be its chief executive officer. He shall possess the qualifications prescribed for members of the council and shall hold office for two years and until his successor is elected and qualified. In case of sickness or temporary absence of the mayor, not exceeding three months, or his suspension by the Governor, his office shall be filled by the president of the council, who shall act as mayor pro-tempore, and during such time shall possess the powers of the mayor and perform his duties.

SECTION 26.—(607)—That in case a mayor incurs any of the disabilities disqualifying him from holding his office, or through physical disability or otherwise is unable properly to perform the duties of his office, or misconducts himself, he shall be removed from office by the Governor, after having been given an opportunity to be heard in his defense. A statement of the reasons for such removal shall be filed by the Governor in the office of the secretary of Porto Rico and shall be made a matter of public record and be a public instrument. The decision of the Governor, when filed, with the reasons therefor, as aforesaid, shall be final. The Governor may, pending the investigation, suspend the mayor for a period of thirty days. In case a mayor is removed by the Governor, the latter shall fill the vacancy thus occasioned as provided by Section 14 of this Act.

SECTION 27.—(608)—That the mayor shall receive an annual salary which shall not exceed twelve hundred (1,200) dollars in municipalities having a population of twenty thousand (20,000) inhabitants or over, and six hundred (600) dollars in municipalities having a population of less than twenty thousand (20,000) inhabitants.

SECTION 28.—(609)—That no ordinance or resolution

of the council shall become effective until it is presented, duly certified, to the mayor for his approval, and shall have been returned by him to the council, within three days after receiving it, with his approval and signature. If the mayor disapproves of any ordinance or resolution he shall return the same with a statement of his objections thereto in writing. If he fails to return it within the time specified, it shall take effect the same as if he had approved and signed it. In case of disapproval the council shall consider the objections and if six members of the council in the case of municipalities having a population of twenty thousand (20,000) inhabitants or over, or of four members of the council in cases of municipalities having a population of less than twenty thousand (20,000) inhabitants, shall vote to pass the ordinance or resolution, it shall take effect as if approved and signed by the mayor.

SECTION 29.—(610)—That it shall be the duty of the mayor on or before the first day of August of each year to make an annual report to the people and to the Governor of the island, showing all business transacted during the preceding fiscal year ending June thirtieth (30). Such report shall contain an accurate and itemized statement of the financial receipts by the municipality from all sources and of the expenditures for all purposes, together with a statement in detail of the debt, floating and bonded, on the thirtieth day of June of said year, and the origin of such debt.

SECTION 30.—(611)—That it shall be the duty of the mayor, from time to time, to make such recommendations in writing to the council as he may deem opportune or for the welfare of the municipality.

SECTION 31.—(612)—The mayor is the representative of the municipality and in this character he may

appear and maintain all actions and proceedings before any official or court. In no such action or proceeding, to which the municipality may be a party, represented by the mayor, shall said officer have power to confess judgment or submit said action or proceeding to arbitration without the consent thereto of the municipal council and of the Secretary of Porto Rico.

SECTION 32.—(613)—That the mayor shall publish and execute all ordinances of the council; issue all necessary orders for the government of the municipality in accordance with the laws and ordinances relating thereto; appoint and direct all employees of the municipality; supervise their conduct and suspend or remove them when necessary.

SECTION 33.—(614)—That the mayor shall take no part in the meetings of the council, but shall appear before it when specifically requested thereto by the council in orders to furnish to the council such information relative to the affairs of the municipality under his management as may be required by said council.

SECTION 34.—(615)—That the mayor shall appoint a delegate (commisary?) (comisario) for each one of the rural districts (barrios) included within the municipal limits. The powers and duties of said delegate (commisary?) (comisario) shall be prescribed by the council by an ordinance to that effect. But in no case shall any power be conferred upon a delegated (commisary?) (comisario) which may not by law be exercised by the mayor. Said delegate (commisary?) (comisario) shall serve without remuneration. For the populated centers included within the municipal limits, the mayor shall where he deems it advisable, with the consent of the council, appoint a commissioner, whose powers and duties shall be as prescribed for him by the mayor and munic-

ipal council each acting within the limits of its powers or conjointly. The commissioner shall have charge of the civil register and shall receive therefore such salary as may be fixed by the council, but which in no case shall exceed three hundred sixty (360) dollars per annum.

THE SECRETARY.

SECTION 35.—(616)—That the mayor shall, with the consent of the council, appoint a secretary, and said secretary shall receive a salary, to be fixed by the council, not exceeding one thousand (1,000) dollars per annum, in municipalities having a population of twenty thousand (20,000) inhabitants or over, and not exceeding six hundred (600) dollars per annum, in municipalities having a population of less than twenty thousand inhabitants, and shall hold office during good behavior unless removed by the mayor for good and sufficient reason after having been heard in his defense.

SECTION 36.—(617)—That the secretary shall have custody of the books, records and papers of the municipality and of all official reports and communications of the council. He shall act as secretary of the council and of any municipal board created by this Act, or which may hereafter be created. He shall keep a record book of the proceedings of each meeting of the council and of all ordinances that may be passed by it. He shall at all reasonable hours, on demand of any person, produce for inspection the books, records and papers of his office, and shall furnish a copy of any portion thereof, certified in the proper form, and in clearly legible form, upon the payment of such fees as may be established by ordinance. In municipalities the total

cash receipts of which during the preceding fiscal year were less than twenty thousand (20,000) dollars, he shall also act as the comptroller.

THE TREASURER.

SECTION 37.—(618)—That in every municipality within the meaning of this Act there shall be a treasurer, who shall be appointed by the mayor and who shall hold office during good behavior, unless removed by the mayor for good and sufficient reason after having been heard in his defense. He shall receive an annual salary to be fixed by the council, but not exceeding one thousand (1,000) dollars in the municipalities having a population of twenty thousand (20,000) inhabitants or over, and six (600) dollars in the municipalities having a population of less than twenty thousand inhabitants.

SECTION 38.—(619)—That the treasurer, before entering on the duties of his office, shall give bond in such sum to the municipality as may be prescribed by the council, with two or more sureties to be approved by the council and the mayor, conditioned for the faithful discharge of his duties, which bond, when approved, shall be filed in the office of the treasurer of Porto Rico.

SECTION 39.—(620)—That the municipal treasurer shall receive and have the care and custody of all money of the municipality and shall pay it out as hereinafter provided. All other officials who may receive any money belonging to the municipality shall pay it to the treasurer daily, unless otherwise directed by law. The treasurer shall act as disbursing officer of the municipality and shall disburse moneys of the municipality only in accordance with budgetary appropriations on warrants signed by the comptroller or the secretary

acting as comptroller, and countersigned by the mayor.

THE COMPTROLLER.

SECTION 40.—(621)—Each municipality shall make provision for the keeping of accounts and the auditing of receipts of and claims against the municipality by an officer to be known as the comptroller. In a municipality the total cash receipts of which during the preceding fiscal year were less than twenty thousand (20,000) dollars the secretary shall act as such comptroller without being entitled to any extra compensation for such additional service. In each municipality the total cash receipts of which during the preceding fiscal year equalled or exceeded the said sum of twenty thousand (20,000) dollars, provision may be made by the municipal council for the appointment of a special officer as comptroller. Such comptroller shall be appointed by the council and shall hold office during good behavior, unless removed by the council for good and sufficient reason, after having been heard in his defense, and shall receive a salary as fixed by the municipal council but not to exceed nine hundred (900) dollars, per annum. He shall have general supervision and control of all the fiscal affairs of the municipality, to be exercised in the manner and with the responsibilities prescribed in Section 42 hereof. He shall keep separate accounts of each appropriation and of the dates, purposes, and manner of each payment therefrom. He shall examine all bills, claims and demands against the municipality, and shall promptly report in writing to the mayor and to the council any defaults or irregularities he may discover in the accounts of any municipal officer. He shall not execute any draft or warrant until he has examined and audited the claims in relation

thereto and found the same to be justly and legally due and payable; and that the payment has been legally authorized; and that the money therefor has been duly appropriated, and that the appropriation has not been exhausted.

SECTION 41.—(622)—That the comptroller or secretary acting as comptroller, before entering upon the duties of his office shall give bond to the municipality in such sum as may be prescribed by the council, with two or more sureties to be approved by the council and the mayor conditioned for the faithful discharge of his duties, which bond, when approved, shall be filed in the office of the Treasurer of Porto Rico.

SECTION 42.—(623)—The treasurer and comptroller, or secretary acting as such, of every municipality, shall keep books of account, deposit all moneys, and make all disbursements as provided by this Act, and in such manner and form as may be further prescribed by the Treasurer of Porto Rico and shall make such annual and other reports of their actions to the Treasurer of Porto Rico as the latter may require. Said Treasurer of Porto Rico shall have power by himself, or by some competent person or persons appointed by him, when so directed by the Governor, to examine into the affairs of the financial operations of any municipality. The Treasurer of Porto Rico, and every such examiner appointed by him, shall have power to administer oath to any person whose testimony may be required on any such examinations, and to compel the appearance and attendance of any such person for the purpose of any such investigation and examination and the productions of moneys, securities, books and papers. Wilful false swearing in such examinations shall be perjury and punishable as such. Any person refusing to testify

when called upon to do so shall be deemed guilty of a misdemeanor, and upon conviction, thereof, shall be punished by a fine not exceeding five hundred (500) dollars, or by imprisonment at hard labor for a term not exceeding one year, or both, at the discretion of the court. If after such examination any irregularity or negligence shall be discovered in the accounts, the Treasurer shall report the same to the Governor, who shall have power forthwith to suspend such officer or officers guilty of, or responsible for, such irregularity or negligence, pending a further examination. If after such further examination there be found sufficient proofs of the irregularity or negligence, the Governor shall remove such officer, or officer, appoint a substitute or substitutes for the unexpired term, and request the Attorney General to institute such civil and criminal proceedings as may be necessary to protect the financial interests of the island and the municipal district or local division concerned.

THE INSPECTOR OF PUBLIC WORKS.

SECTION 43.—(624)—That the council of each municipality the total cash receipts of which during the preceding fiscal year were not less than twenty thousand (20,000) dollars, may provide for the appointment of an inspector of public works, who shall be appointed by the mayor and shall hold office during good behavior, unless removed by the mayor for good and sufficient reason after having been heard in his defense. He shall receive a salary to be fixed by the council but not to exceed six hundred (600) dollars per annum. Such officer shall have charge and supervision of the construction, improvement and repair of all public buildings, grounds, squares, parks, streets, walks, culverts, sewers, aqueducts, wells, cemeteries, and of all other property and

public works of the municipality, and he may, within the limits of appropriation therefor, employ the requisite laborers and direct them as to the time and the manner of the execution of their work. He shall certify to the mayor each week the names of all persons who have been so employed and the rate of their compensation and their term of service. *Provided*, that no laborers shall be compelled to work more than eight hours per day, and that they shall be, if possible, residents of the municipality.

SECTION 44.—(625)—That contracts for the performance of any public work, or the purchase of material and supplies, in all cases where such work or material or supplies will cost more than one hundred (100) dollars, shall be let to the lowest bidder, according to the regulations made by the council except where an accident or other injury results in any emergency for the immediate performance of the work or procurement of the material or supplies.

THE POLICE.

SECTION 45.—(626)—That the police service within the municipalities organized under this Act shall be performed by the insular or municipal police under such rules as may be prescribed by the laws and regulations in force.

THE PUBLIC HEALTH.

SECTION 46.—(627)—That in each municipality there shall be a health officer. He shall be appointed by the mayor and shall hold office during good behavior, unless removed by the mayor for good and sufficient reason, after having been heard in his defense. He shall receive a salary to be fixed by the council, but not to

exceed twelve hundred (1,200) dollars per annum. No person shall be eligible for appointment as health officer who is not a physician duly licensed to practice his profession according to law.

SECTION 47.—(628)—That the duties of the health officer provided for in the preceding section shall be to attend to the indigent sick of the municipality, to act as sanitary inspector and as such to inspect cattle to be slaughtered for food and meat offered for sale for consumption as food, enforce all regulations and ordinances concerning public sanitation, and specially the cleansing of streets, fountains, yards, alleys and entries and common stairways to houses and the cleaning of earth closets, privies, ash-pits and cesspools, and the suppression of nuisances, and to keep the registry of vital statistics in the manner and form provided by the Superior Board of Health; to have charge of the inspection of hospitals, cemeteries and sanitary establishments under the control of the municipality; and to perform all such further duties as may be further imposed upon him by law, or by regulations of the Superior Board of Health, or municipal ordinances not in contravention of law.

SECTION 48.—(629)—That any municipality may provide for the appointment of one or more assistant health officers, who shall have the qualifications required of the health officer, and who shall be appointed in the same manner as the latter. An assistant health officer shall perform such duties as may be assigned him by the health officer. His compensation shall be fixed by the council, but shall not exceed one thousand (1,000) dollars per annum.

SECTION 49.—(630)—That the health officer shall make an annual report to the Superior Board of Health

and to the municipal council on all matters concerning his office, and shall make such recommendations touching the sanitation and hygiene of the municipality as he may deem opportune.

SECTION 50.—(631)—Should any owner or tenant of a house, dwelling, habitation, building, room, or vacant lot of ground within an urban district fail to comply with any regulation or ordinance issued in conformity with the law regarding its maintenance in a state of cleanliness or sanitation and as the consequence of such failure it becomes necessary for the health officer or assistant health officer to intervene and correct such evils as may exist, the municipality shall have the right to impose upon such delinquent owner or tenant a fine, to be collected as other municipal fines and penalties, not to exceed in amount the sum sufficient to reimburse the municipality for all expenses incurred on account of such intervention. This fine shall be in addition to any penalty or fine imposed by ordinance for the violation of any municipal regulation regarding public health.

PUBLIC CHARITY.

SECTION 51.—(632)—That in each municipality organized under this Act, there shall be a board of charities, composed of three members, of which the municipal health officer shall be chairman *ex officio*. The other members of the board shall be appointed by the mayor for a term of two years and shall serve without compensation. Vacancies on the boards resulting from any cause whatsoever shall be filled by the mayor for the unexpired terms.

SECTION 52.—(633)—That the board of public charities shall, unless otherwise provided by law, exercise administrative and executive control over all charitable

institutions belonging to the municipality and shall superintend the distribution of relief to the indigent poor within the limits of the appropriation made therefor.

CEMETERIES.

SECTION 53.—(634)—That each municipality shall establish and maintain cemeteries sufficient in number and area to meet the requirements prescribed by the Superior Board of Health. If, after notice from the Superior Board of Health, the municipality fails adequately to conform to such requirements, the Superior Board of Health may, subject to the approval of the Executive Council, undertake any work necessary to remedy such failure. In such case the Executive Council shall order the Treasurer of Porto Rico to levy and collect from the taxpayers of the municipality in the manner provided for the levy and collection of the general tax on property a special cemetery tax, sufficient to meet the expenditures incurred.

BUDGET.

SECTION 54.—(635)—That it shall be the duty of the mayor, on or before the first day of March, to submit to the council for its approval, the annual budget for the ensuing fiscal year, which shall contain a detailed estimate of receipts and expenditures. The fiscal year shall begin on the first day of July of each year.

SECTION 55.—(636)—That the budget, with such changes as may have been introduced therein by the council, shall be exposed by posting on the exterior walls of the city hall to public inspection for a period of ten days, during which time the public may make such objections thereto as it may deem proper in writ-

ing to the council. After the expiration of said period the municipal council shall consider said objections and shall correct or ratify said budget as they deem best. Said budget shall thereupon, in legal form, be sent to the mayor (together with said objections thereto by said inhabitants, if any) for his approval.

SECTION 56.—(637)—That the mayor shall examine said budget and if he finds that it is in all respects in accordance with the laws of Porto Rico, and that the expenditures authorized thereby do not exceed the actual resources of the municipality, he shall approve said budget. If he thinks that the laws of Porto Rico are violated thereby, or that said expenditures exceed the actual resources of the municipality, he shall return the same to the council with his objections thereto. The municipal council in such cases shall again consider said budget together with the objections of the mayor thereto. If the council agrees to said objections it shall modify the budget in accordance therewith and it shall thereupon become effective. If it does not agree thereto the proposed budget shall, together with all the antecedent proceedings thereon, be sent to the Treasurer of Porto Rico, who shall have power to decide the point at issue and to order the framing of the budget in conformity with his decision.

SECTION 57.—(638)—In the framing of its budget each municipality shall first make provision for the meeting of any deficit that may have resulted from the operations of prior years; all expenditures for which it is obligated in consequence of contracts already entered into; all payments imposed upon it by the laws of Porto Rico; and all payments on account of final judgment rendered against it by any competent tribunal. If any municipality fails to make adequate provision in the

budget for any year for the meeting of any or all of the obligations above specified in this section, its budget for the next fiscal year shall be submitted to the Treasurer of Porto Rico and it shall be the duty of said Treasurer of Porto Rico to make such changes in said budget as he deems necessary or advisable for ensuring the meeting of such obligations by the municipality, which changes may be in the way of reducing or eliminating items of expenditure or in raising the rate of proposed licenses, taxes or other levies. The budget as thus amended shall be returned to the council, and the latter shall be given ten days in which to make any objections it may have to changes introduced in the budget. The final decision regarding the form and items of the budget shall, however, rest with the Treasurer of Porto Rico, and he shall notify the council of such decision within ten days after the receipt by him of any objections presented to him by the council as aforesaid; whereupon the budget as thus framed, when finally returned to the council, shall become effective as the budget for the ensuing fiscal year.

SECTION 58.—(639)—That no ordinance of any kind shall be passed by the council on the same day on which it is introduced, except by unanimous consent, and no appropriations of any moneys shall be made for any purposes whatever, except by ordinance or resolution specifying the items thereof and the department or branch of service for which the appropriation is made, and no ordinance making or authorizing a sale or lease of any real or personal estate belonging to, or under the control of the municipality shall be valid unless it shall receive a vote of three-fourths of all the members of the council and shall have received the approval of the Secretary of Porto Rico. And in case of the said sale or lease

the ordinance shall provide for its disposal to the highest and best bidder under proper regulations for the protection of the municipality, at public auction after public notice.

SECTION 59.—(640)—The salaries of the mayor and all the municipal employees shall be fixed by the municipal council in its annual budget and shall not be increased or reduced during any fiscal year for such fiscal year. Neither shall the mayor nor any municipal employee receive any gratuity or additional remunerations whatever from the municipal funds; *Provided*, that nothing in this section shall be construed as prohibiting the payment of just and reasonable travelling expenses incurred in the service of the municipality when provided for by proper budgetary appropriation.

FINANCES.

SECTION 60.—(641)—That any municipality shall have power to derive its revenue from the following sources, and no taxes, imposts, excises, other than those herein enumerated, shall be levied by a municipality, unless expressly authorized by this Act, or by the laws of Porto Rico.

1. The incomes from municipal markets, slaughter houses, cemeteries, water works, gas works or other property owned by the municipality.
2. The incomes from any taxes apportioned to the municipality by the laws of the island.
3. The proceeds of any tax on real and personal property situated within the municipal district, duly authorized by the Legislative Assembly and not exempted by the laws of the United States, nor by any Act of the Legislative Assembly.

4. Such license taxes as may be authorized in pursuance of the Act entitled "An Act to provide temporary revenue for the municipal districts of Porto Rico," approved January thirty first, nineteen hundred and one, which Act is hereby continued in force from and after June thirtieth, nineteen hundred and two, until repealed or modified by Act of the Legislative Assembly.
5. Fines imposed by police and municipal courts.
6. Fees for issuance for certificates of registration of cattle brands at the rates fixed in this Act.
7. Charges for licenses for vehicles, boats, peddlers, billiard tables, pawn-brokers and river and harbor ferries, at the rates fixed by ordinance.
8. Charges for permit to place seats for hire, or booths, in public places.
9. Charges for permits for public amusements and shows.
10. Charges for dog licenses.
11. Charges for permit for sewer connection.
12. Contingent receipts and interest on public funds.

SECTION 61.—(642)—The secretary of each municipality shall register, on demand of any person paying the fee of fifty cents therefor, and in a special book to be provided for the purpose the brand used by such person to mark and distinguish his cattle, and shall issue to such person a certificate stating the brand registered; date of registration; name and address of person to whom issued, and that the branding iron has been exhibited at the time of making the registry and for the

purpose of sale, slaughter, removal or export of cattle no further proof of ownership shall be required by any municipality from any owner of such cattle.

INDEBTEDNESS.

SECTION 62.—(643)—That the municipalities shall have such powers to borrow money and issue bonds in evidence thereof as is conferred upon municipalities by the Act entitled “An Act to authorize and regulate the issuance of bonds by the cities of Porto Rico,” approved January thirty-first, nineteen hundred and one.

APPEALS.

SECTION 63.—(644)—That any taxpayer or person resident within the limits of a municipality who believes himself to be injuriously affected or who believes that the general interests of the municipality have been injured by any ordinance, resolution, or Act of the council or mayor or of any municipal officer, may object thereto by suit in a court of competent jurisdiction, or by direct appeal to the Secretary of Porto Rico, and the Secretary of Porto Rico may himself take cognizance of any such act upon the matter coming to his attention in any way and decide the same in like manner as if direct personal appeal had been made to him. Such appeals to the Secretary of Porto Rico shall be in writing, and against his decision which shall also be in writing, recourse may only be had upon application to the courts of justice. He shall have power to call upon the Treasurer or the Executive Council for a report in those cases which relate to public funds, to make all orders he may judge proper, and direct all such investigations as may be necessary for the protection of

the public interests of the municipalities and the private ones of the appellants.

SECTION 64.—(645)—That all laws, and orders, and parts thereof, in conflict with this Act, be, and the same are hereby repealed.

SECTION 65.—(646)—That this Act shall take effect from and after July first, nineteen hundred and two. *Provided* that until the councils as provided by this act are duly constituted and the mayors are elected and qualified in accordance with the provisions herein, the existing councils shall continue to hold office and such councils and mayors shall exercise all the powers conferred upon them by this Act.

Approved, March 1, 1902.

AN ACT

TO PROVIDE FOR THE APPLICATION OF THE ACT ENTITLED "AN ACT CONCERNING MUNICIPALITIES," APPROVED MARCH FIRST, NINETEEN HUNDRED AND TWO, TO MUNICIPALITIES HAVING AN URBAN POPULATION OF EIGHT THOUSAND INHABITANTS, OR OVER, WITH CERTAIN MODIFICATIONS.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(647)—That the act entitled "An Act concerning municipalities, approved March 1st, 1902, shall apply to municipalities having, according to the last census of population taken under the laws of the United States or of the island of Porto Rico, an urban population of eight thousand (8,000) inhabitants, or over, until said municipalities may be organized under special charters, with the following modifications:

1. That the municipal council shall consist of fifteen (15) members, who shall be elected in

accordance with the provisions of the electoral law.

2. That there shall be added to Section 3 of said Act the following "(12) Municipal Jails."
3. That in Section 14 of said act, before the word "Provided," there shall be inserted the following: "And who to fill the position of mayor must be a member of the municipal council or who the fill the position of member of the municipal council must formerly have been a councilman in the same municipality."
4. That the fine provided for in Section 24 of said Act attached to each violation of a municipal ordinance shall not exceed one hundred (100) dollars.
5. That the salary of the mayor, as provided for in Section 27 of said act, shall be not to exceed twenty-five hundred (2,500) dollars annually.
6. That the salary of the secretary, as provided for in Section 35 of said act, shall be not to exceed eighteen hundred (1,800) dollars annually,
7. That the salary of the treasurer, as provided for in Section 37 of said act, shall be not to exceed twelve hundred (1,200) dollars annually.
8. That the salary of the comptroller, as provided for in Section 40 of said act, shall be not to exceed fifteen hundred (1,500) dollars annually.
9. That the inspector or engineer of municipal works, provided for in Section 43 of said Act,

shall receive a salary to be fixed by the municipal council.

10. That in each of the said municipalities there shall be a local board of health consisting of three (3) members, to be appointed by the mayor, one of whom shall be the health officer, who shall also be ex-officio president of the board. The said health officer shall receive an annual salary, to be fixed by the council, which shall not exceed fifteen hundred (1,500) dollars.
11. That leases of property belonging to said municipalities shall be excepted from the approval of the Secretary of Porto Rico and shall be awarded by public bids.
12. That the mayor of each of said municipalities is hereby authorized to organize the municipal offices, and the municipal council shall appropriate for this purpose such sums of money as, in its judgment may be necessary.
13. That the Executive Council is hereby authorized to make all necessary regulations or to decide all disputes arising in connection with the application or enforcement of the provisions of this Act and of the Act entitled "An Act concerning municipalities" approved March first, nineteen hundred and two, in so far as they relate to the transposition from the form of government now existing to those provided by said Acts.

SECTION 2.—(648)—This Act shall take effect from and after July first, nineteen hundred and two.

Approved, March 1, 1902.

AN ACT

FOR THE CONSOLIDATION OF CERTAIN MUNICIPAL DISTRICTS
OF PORTO RICO.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(649)—That on the first day of July, nineteen hundred and two, the following municipalities shall be abolished as separate municipalities: Rincón, Barranquitas, Naranjito, Toa Baja, Moca, Gurabo, Quebradillas, Hatillo, Trujillo Alto, Cidra, Arroyo, Salinas, Juncos, Peñuelas, Guayanilla, Loiza, Corozal, Dorado, Vega Alta and Maunabo, together with the Ayuntamientos and the offices of alcalde, and all employees of said municipalities, and the territory of said municipalities, shall be annexed as hereinafter provided.

SECTION 2.—(650)—That on the first day of July, nineteen hundred and two, the municipal court of each of the municipalities referred to in Section 1 of this Act shall be abolished and its jurisdiction shall devolve upon the municipal court of the municipal district to which the said municipal district shall have been annexed as provided herein, except as to civil registry, for which provision is made in Section 13 of this Act.

SECTION 3.—(651)—That whenever a municipal court of any municipality is abolished by virtue of this Act, on the first day of July, nineteen hundred and two, the office of police judge of said municipality and of secretary shall also be abolished, and the powers and duties of such abolished offices shall devolve upon and become part of the powers and duties of the police judge and his secretary, of the municipal district to which said municipality shall become annexed.

SECTION 4.—(652)—That the school boards now in

existence within the limits of any annexed municipality, shall on the first day of July, nineteen hundred and two, be discontinued and abolished, and thereafter their duties and powers shall devolve upon the school boards of the municipality to which it shall have been annexed and the Commissioner of Education shall make all needful rules and regulations as may be necessary for the proper transferring of their duties and powers.

SECTION 5.—(653)—That the local board of health of any annexed municipality shall on the first day of July, nineteen hundred and two, be discontinued and abolished, and thereafter its duties and powers shall be transferred to the local health authorities of the municipality to which it shall have been annexed:

SECTION 6.—(654)—That the territory of each of the municipalities abolished by Section 1 of this Act shall on the first day of July, nineteen hundred and two, be annexed to the territory of a contiguous municipality; and these shall together form a municipal district according to the following arrangement:

The municipal district of Moca shall be annexed to that of Aguadilla.

The municipal district of Rincon shall be annexed to that of Añasco.

The municipal district of Barranquitas shall be annexed to that of Barros.

The municipal district of Gurabo shall be annexed to that of Caguas.

The municipal district of Trujillo Alto shall be annexed to that of Carolina.

The municipal district of Cidra shall be annexed to that of Cayey.

The municipal district of Juncos shall be annexed to that of Hato Grande.

The municipal district of Loiza shall be annexed to that of Rio Grande.

The municipal district of Vega Alta shall be annexed to that of Vega Baja.

The municipal district of Maunabo shall be annexed to that of Yabucoa.

The municipal district of Naranjito and Toa Baja shall be annexed to that of Bayamon.

The municipal districts of Quebradillas and Hatillo shall be annexed to that of Camuy.

The municipal district of Arroyo and Salinas shall be annexed to that of Guayama.

The municipal districts of Peñuelas and Guayanilla shall be annexed to that of Ponce.

The municipal district of Corozal and Dorado shall be annexed to that of Toa Alta.

Provided, that the island of Culebra shall be annexed to the municipal district of the island of Vieques.

SECTION 7.—(655)—That all real and personal property of any abolished municipality shall, on the first day of July, nineteen hundred and two, pass under the control and into the possession of the municipality to which the territory of the abolished municipality shall be annexed, and the collection of the credits in favor of, as well as the payment of the debts of each of the municipalities hereby abolished shall be for account of such municipalities as shall have acquired the territory of the abolished municipality.

SECTION 8.—(656)—That between the first day of April and the thirtieth day of June, nineteen hundred and two, the proper municipal authorities of the districts to which the territory or territories of any other municipal district or districts are hereby annexed, shall prepare a budget for the fiscal year nineteen hundred

and two-nineteen hundred and three, including therein such amounts as may be required for municipal purposes by the annexed territory or territories, the taxes collected from which, from all sources, shall be paid into the treasury of the ayuntamiento of said consolidated municipal district, in like manner as are all taxes from the remaining portion of the municipal district: *Provided*, that the estimated expenses of said budget shall contain an item for each municipal district, the territory of which shall be transferred on the first day of July nineteen hundred and two, which shall be entitled as follows: "Obligations in liquidation of the abolished municipality of....." For the total or partial payment of such debts as may appear from the inventory and liquidation to be made pursuant to the provisions of "An Act for the consolidation of certain municipal districts of Porto Rico approved....." and such item shall represent not less than one half the amount of the municipal taxes on the property within the limits of the abolished municipality; and the amount so appropriated shall be devoted to the payment of such obligations as far as it may be available, as hereinafter provided; and like procedure shall be followed, if necessary, when preparing the budget for each year subsequent to nineteen hundred and two-nineteen hundred and three, and the descriptive words of the item may then be changed according to circumstances, until all such obligations or debts of the abolished municipality shall have been satisfied. *Provided*, further, that before closing that part of said budget where the receipts are stated, an entry shall be made for each municipal district whose territory shall be transferred to the consolidated municipal on the first day of July, nineteen hundred and two, reading as follows:

"Credits in favor of the abolished municipality of"
"These are calculated subject to the inventory and liquidation to be made in accordance with the Act to consolidated certain municipal districts of Porto Rico, approved," and such entry shall be credited with one dolar; and said entry shall be maintained as long as it may be necessary in each of the respective budgets for each fiscal year subsequent to nineteen hundred and two-nineteen hundred and three, and the descriptive words may then be changed, and such sum appropriated as it may be deemed advisable to collect from such source during the fiscal year. And *provided*, further, that entry shall be made of the cash on hand, turned over by each municipal corporation on being abolished, to that which shall succeed it, and that such entry shall be made in the budget under the heading of miscellaneous receipts.

SECTION 9.—(657)—That on the thirtieth day of June, nineteen hundred and two, each of the municipal corporations about to be abolished, as hereby provided, shall have prepared an inventory, in which shall appear separately the cash on hand, real and personal property, credits in its favor including therein the taxes assessed but not collected and the debts or obligations due and payable on said day and that on the said thirtieth day of June at nine o'clock P. M. the said ayuntamiento to be abolished shall hold a session and shall cause to appear in the minutes (which minutes shall be signed by all the councilmen present at the end of the session) all of the contents of said inventory, and said municipal corporation shall immediately appoint a committee of two councilmen and the alcalde, who shall be chairman, which committee shall make delivery on the following first day of July, nineteen hundred and two

to a like committee appointed by the ayuntamiento of the municipality to which the territory of the abolished municipality shall be annexed, of the inventory above referred to, deposits of all kinds, cash on hand and all other personal property, deeds, bills receivable, and all other documents relating to said inventory, as well as the journals, books of account, and all other records of the abolished municipality, of which records as accurate a list as possible shall be made.

The receiving committee shall issue a receipt in triplicate for everything delivered to them by the delivering committee and shall give one of such receipts to each of the members of the said delivering committee. *Provided*, that the inventory of the property and debts referred to in this Section shall not be considered conclusive, but only as evidence in favor of the existence of any such property, credit, obligation or deposit, and that the said inventory shall include also a statement of deposits of all kinds, whether in cash or otherwise, now in possession of the council of the abolished municipality, that they may be returned in accordance with law by the council of the consolidated municipality.

SECTION 10.—(658)—That every municipal corporation to which any other municipal district or districts shall have been annexed shall, during the month of July, nineteen hundred and two, prepare a statement of such debts of the abolished municipality or municipalities whose territory has been annexed thereto, as are to be paid during the fiscal year nineteen hundred and two-nineteen hundred and three, with the amount set apart in the budget as provided for in Section 6, and shall proceed in like manner in each succeeding fiscal

year until the whole amount of said debts shall have been paid.

Provided, that in preparing such statement of bills payable during the fiscal year of nineteen hundred and two—nineteen hundred and three, or in any succeeding year, the order in which they accrued shall be followed, beginning with those that first accrued, and when two or more debts are of the same date, the bill or bills for the smallest amount shall be first listed, and the same order shall be followed in making payment of the same.

SECTION 11.—(659)—That from and after the first day of July, nineteen hundred and two, administrative claims originating in the administration of any of the abolished municipalities shall be made before the municipal council of the territory to which the abolished municipality shall belong.

SECTION 12.—(660)—That the alcalde of every municipality with which any other municipal district or districts may have been consolidated shall, during the month of June, nineteen hundred and two, appoint a commissioner who shall represent the alcalde within the urban section now the seat of government of the consolidated district, and such commissioner shall hold his office from and after the first of July next succeeding. That the said commissioner shall have all the powers and duties of the alcalde, as a delegate of the latter, within the aforesaid urban section. He shall take charge of all the archives, papers and records pertaining to the office of register of births, deaths and marriage (civil registry) for the abolished municipality, and he shall thereafter discharge all duties imposed on and shall have all powers conferred upon municipal judges by law in reference therewith. The alcalde shall appoint a person who shall act as secretary and clerk to the aforesaid

commissioner and whose annual compensation shall not exceed three hundred and sixty dollars.

SECTION 13.—(661)—That any abolished municipality shall for the purposes of the law providing for the recording of land titles, deeds, and other public instruments (registry of property) be considered as a part of territory tributary to the office of the registry of property to which the abolished municipality shall belong. All books and papers pertaining to such records of property located within any annexed municipality which shall in accordance with the foregoing provision become a part of a territory, shall be delivered by the registrar now in possession thereof to the registrar having jurisdiction over the territory to which the municipality shall belong.

SECTION 14.—(662)—That the Executive Council shall prescribe needful rules and regulations for the proper execution of this Act and for any matter not herein provided for in a manner not in conflict with the provisions hereof.

SECTION 15.—(663)—That any alcalde, member of a municipal council, municipal employee, judge or any other official, guilty of any act, tending to obstruct or defeat any of the provisions of this Act shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced by the district court having jurisdiction in said territory to pay a fine of from fifty to two hundred dollars, or to imprisonment for not more than one year, or to both fine and imprisonment in the discretion of the court.

SECTION 16.—(664)—That all laws, decrees, orders, or parts thereof in conflict with this Act are hereby repealed.

SECTION 17.—(665)—That this Act shall take effect from and after its passage.

Approved, March 1, 1902.

AN ACT

AUTHORIZING MUNICIPALITIES TO ISSUE CERTIFICATES OF INDEBTEDNESS IN PAYMENT OF THEIR OBLIGATIONS INCURRED PRIOR TO JULY FIRST, NINETEEN HUNDRED AND TWO, OUTSTANDING AND UNPAID.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(666)—That the municipalities of Porto Rico which have not prior to the first of July, nineteen hundred and two provided for the funding of their floating indebtedness by issue of bonds, in accordance with an Act entitled "An Act to Authorize and Regulate the Issuance of Bonds by the Cities of Porto Rico," approved January thirty-first, nineteen hundred and one, are hereby authorized to issue certificates of indebtedness in payment of their overdue floating and bonded indebtedness other than that due to the Insular Treasurer, or to the late Diputación Provincial, or from municipality to municipality, incurred prior to July first, nineteen hundred and two, outstanding and unpaid. These certificates shall bear interest from the date of issue at the rate of three per cent per annum. They shall be issued to the persons now having legal ownership of claims against said municipalities and shall be negotiable. They shall not be issued until they have been submitted to the Treasurer of Porto Rico, accompanied by the evidence of indebtedness duly certified by the auditors or proper accounting officers of the

respective municipalities and have been duly approved by said Treasurer as representing legitimate claims. The form of the certificates shall be determined by the Treasurer of Porto Rico.

SECTION 2.—(667)—That the Treasurer of Porto Rico is hereby directed to retain from taxes and moneys collected and which may be collected for the benefit and account of each municipality a sufficient sum to extinguish in each fiscal year twenty per cent of the total amount due by said municipality on account of certificates of indebtedness issued by it in pursuance of this Act; *Provided*, however, that any municipality may by ordinance provide for the retention by the Treasurer of a greater percentage annually of the taxes and money coming into his hands and the application thereof to the redemption of its outstanding certificates. The Treasurer of Porto Rico shall pay upon warrants issued by the Auditor and countersigned by the Governor to the *bona fide* owners or assignees of the certificates of indebtedness issued by each municipality, the face value of such certificates with accrued interest to the date of payment, such payment to be made from the taxes and moneys collected for the benefit and account of each respective municipality. Priority in payment shall be given to those certificates representing debts of the longest standing. Such certificates shall be approved prior to payment and referred to the Auditor for settlement and shall be duly cancelled and filed with the respective settlements made by the Auditor.

SECTION 3.—(668)—That the Treasurer of Porto Rico shall have power to issue and enforce such regulations as may be necessary for the carrying out the provisions of this Act.

SECTION 4.—(669)—This Act shall take effect from and after July first, nineteen hundred and two.

Approved, March 1, 1902.

AN ACT

TO AUTHORIZE AND REGULATE THE ISSUANCE OF BONDS BY THE
CITIES OF PORTO RICO.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(670)—No city in the Island of Porto Rico shall become indebted in any manner or for any purpose, including existing indebtedness, in an aggregate exceeding seven per cent of the aggregate tax valuation of its property, to be ascertained by the last assessment for insular taxes previous to the incurring of such indebtedness, and all bonds or obligations in excess of such amount, given by or on behalf of such city or town, are void.

SECTION 2.—(671)—All moneys borrowed by or on behalf of any city, must be used only for the purpose specified in the ordinance authorizing the loan.

SECTION 3.—(672)—The council of any city having a population of more than ten thousand by the census of 1899-1900, is hereby given the power to borrow money and to contract indebtedness in the manner prescribed in this law, and for the purposes mentioned in the next succeeding section, not exceeding in amount, including the existing indebtedness of such city, in the aggregate, seven per cent of the tax valuation therein, to be ascertained by the last assessment for insular purposes previous to the incurring of such indebtedness.

SECTION 4.—(673)—The council of any such city has

the power to issue bonds, with coupons attached thereto on the credit of the city to an amount not exceeding said seven per cent of the aggregate tax valuation of its property, for the purpose of constructing water works, sewers, public buildings, bridges, grading and opening streets, or other necessary public improvements, or for the purpose of funding and taking up and making payment of the floating indebtedness and liabilities of such city.

SECTION 5.—(674)—Such bonds must be in such form as the city council directs and be of the denominations of five hundred and one thousand dollars. The bonds and the coupons attached must be signed by the mayor and the secretary of the city council, and the date of the issue of each must be registered by the secretary. The bonds must be sold at not less than their par value and draw interest at a rate not to exceed six per cent per annum, the interest payable semi-annually.

SECTION 6.—(675)—The money arising from the sale of the bonds must be paid into the city treasury, and applied to the construction of such public improvements mentioned in this Act as may be determined by the council.

SECTION 7.—(676)—A tax to be fixed by ordinance must be levied each year for the purpose of paying the interest on the bonds and to create a sinking fund for their redemption. The treasurer of such city must pay in lawful money of the United States, on the first day of January next succeeding the issue of the bonds, and semi-annually thereafter on each first day of January and first day of July, the interest due on the bonds, upon presentation at his office of the proper coupons, which must show the amounts due and the number of

the bonds to which they severally belong. In case the holder of such bonds gives the mayor notice in writing that he wishes the bonds so held by him and the interest thereon, to be paid in New York City, then such bonds and coupons are payable in New York City at such bank as is designated by the said council, and all bonds and coupons so paid, must be returned to the city council within thirty days, and such bonds must be cancelled by the secretary.

SECTION 8.—(677)—The bonds shall be redeemable in ten years and payable in twenty years.

SECTION 9.—(678)—No city shall have power to borrow money or to contract any indebtedness in the manner prescribed in this Act, or to issue bonds for any of the purposes herein before provided, and no loan shall be valid, until the Executive Council of Porto Rico shall have first approved of the purpose of the loan, the form of the bond, the rate of interest, and the several other requirements of this Act, and of the action of the city proceeding hereunder.

SECTION 10.—(679)—All laws and orders, and parts of laws and orders in conflict with this Act, be, and the same are hereby repealed.

SECTION 11.—(680)—This Act shall take effect from and after its passage.

Approved, January 31, 1901.

AN ACT

RELATIVE TO NOTARIAL PRACTICE IN PORTO RICO.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(681)—Lawyers, citizens of Porto Rico, in the exercise of their profession before the insular

courts, may act as notaries, having previously given bond, as provided by law for present notaries.

SECTION 2.—(682)—Said lawyers may discharge their notarial duties, complying strictly with the present notarial law, with the exception that they shall have no limited territorial jurisdiction, and that within the first ten days of January of each year they shall send the whole of the protocol that they may have during the year, to the office of the clerk of the Supreme Court, to be kept on file at said office.

SECTION 3.—(683)—Any lawyer, acting as a notary, who does not comply with the provisions of the foregoing article, shall incur for the first time a fine of three hundred dollars (\$300,00) and the second time shall be suspended definitely from his office of notary. This penalty shall be imposed by the President of the Supreme Court.

SECTION 4.—(684)—The present notaries shall keep the protocols or records of their respective offices during the period of their commissions and when such commissions shall have expired for any legal cause whatsoever, the said protocols or records shall be turned over by the persons in whose possession they may be, to the Secretary of the Supreme Court and the presiding Justice of the said Court shall issue the necessary regulations to carry out the provisions hereof.

SECTION 5.—(685)—All laws, orders, or parts of them, in conflict with this act, be and the same are hereby repealed.

SECTION 6.—(686)—This act shall take effect from after its passage.

Approved, January 31, 1901.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT RELATING TO NOTARIAL PRACTICE IN PORTO RICO," APPROVED JANUARY THIRTY FIRST, NINETEEN HUNDRED AND ONE.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(687)—That lawyers, citizens of Porto Rico and of the United States, practicing their profession in the insular courts may act as notaries upon the production of a satisfactory certificate of good moral character from some person or authority entitled to make such certificate and by giving personal or other security in accordance with the notarial law now in force; *Provided*, that the same be approved, as to its form, execution and sufficiency by the Attorney General.

SECTION 2.—(688)—That all notaries may exercise their profession in conformity with the organic notarial law and with the notarial regulations but without limitation of notarial district.

SECTION 3.—(689)—Any male person of legal age, a citizen of Porto Rico or of the United States, who shall have passed a proper examination and have obtained a proper title to practice his profession, may act as notary in Porto Rico.

SECTION 4.—(690)—The Supreme Court of Porto Rico shall prescribe and publish, before the first of July nineteen hundred and two, regulations to which persons who may aspire to the title of notary in the examination referred to in the preceding section shall conform, and the said examination shall be held before the Supreme Court, but such examination shall not be held until such candidate shall produce a certificate showing

that he has studied or been employed in the office of a notary at least three years preceding his application for examination; *Provided*, that in all examinations for notarial titles, the fees for admission including the cost of certificates or diplomas shall not exceed five dollars, and in no case shall such fees be collected more than once.

SECTION 5.--(691)--The fees referred to in the preceding Section shall be paid into the treasury of Porto Rico.

SECTION 6.--(692)--Notarial documents may be typewritten, which fact shall not prevent the recording thereof in the registry of property.

SECTION 7.--(693)--Notarial documents may also be written in English whenever the notary and the contracting parties know that language.

SECTION 8.--(694)--The clerk of the Supreme Court shall issue to any person who shall request the same, copies of such notarial documents as he may have on file within three days after such copies are solicited.

SECTION 9.--(695)--All laws, decrees or orders or parts of laws, decrees or orders in conflict with this Act are hereby repealed.

SECTION 10.--(696)--This Act shall take effect from and after its passage.

Approved, February 10, 1902.

AN ACT

TO ESTABLISH A PENITENTIARY IN PORTO RICO.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(697)—There shall be established within the Island of Porto Rico, or upon any of the adjacent islands forming a part of Porto Rico, a penitentiary such as shall meet the requirements of the Island and pursuant to modern progress in penal matters.

SECTION 2.—(698)—The project of the work to be undertaken and an estimate of the cost thereof shall be procured by the Executive Council and submitted to the Legislative Assembly of Porto Rico for its definite approval.

SECTION 3.—(699)—An appropriation of two thousand (2,000) dollars is hereby made to cover such expenses as the project may require, such expenditure to be under the control and by the direction of the Executive Council.

Approved, January 31, 1901.

AN ACT

TO PROVIDE FOR THE REGULATION AND GOVERNMENT OF THE
INSULAR POLICE OF PORTO RICO.*Be it enacted by the Legislative Assembly of Porto Rico:*

SECTION 1.—(700)—The organized force formerly known as the Insular Police, and later now and called the Insular Police of Porto Rico, shall continue to be designated by the latter term.

SECTION 2.—(701)—The officers and men of the force at present serving in the organization, shall continue in

their service the same as now, without re-appointment or re-enlistment.

SECTION 3.—(702)—The Insular Police shall be under the control and command of the Chief, subject to the direction of the Governor.

SECTION 4.—(703)—The officers and men of this force shall hereafter be designated as commissioned officers, warrant officers, and mounted and foot police.

SECTION 5.—(704)—The duty of the Insular Police shall be to protect persons and property and maintain and preserve public order throughout Porto Rico, including the cities, the municipalities and the rural districts.

SECTION 6.—(705)—In any city under control of the Insular Police where the urban population may exceed ten thousand, if it shall appear to the satisfaction of the Governor of the island that such city is financially able to maintain a municipal police and to preserve order within such city by means of a municipal police force, then and in such case the Governor may in his discretion withdraw the Insular Police from such city; and upon such order of withdrawal, the municipal police force shall be organized under proper regulations and shall thereafter preserve public order and protect persons and property within the limits of such city. But after the municipal police have assumed control, if it shall thereafter appear to the Governor that the city is unable to maintain a municipal police force, or that public order is not preserved, or that persons and property are not properly protected by the municipal police force then it shall be lawful for the Governor in his discretion, to direct the Insular Police to resume control within the limits of such city and after such direction shall be given, then all the powers and functions of the munic-

ipal police shall at once cease, and the police authority shall be exclusively vested in the Insular Police.

SECTION 7.—(706)—The Insular Police force shall be distributed and stationed as follows: The headquarters shall be in the city of San Juan where the commission shall sit, and where shall be the headquarters of the Chief, together with the adjutant, paymaster, inspector, chief musician, one sergeant, one corporal and two privates. There shall be established not exceeding seven police districts in the island; and at headquarters in each one of the said districts there shall be stationed one captain, who shall be in command of the force within the district, and one first lieutenant, and as many warrant officers as the Chief may deem proper and convenient. Each district shall be divided into two precincts, and the headquarters of one of such precincts shall be at the headquarters of the district and in command of the first lieutenant who may be stationed in such precinct. The headquarters of the other precinct shall be designated by the Chief and be commanded by a second lieutenant with a warrant officer. In the more important towns throughout the island sergeants shall be stationed, while corporals shall be stationed among the smaller towns and in the rural districts. The number of guardsmen requisite for duty shall be distributed by the Chief to the several districts and precincts throughout the island.

SECTION 8.—(707)—The Chief of Police, with the approval of the Governor, shall detail one first lieutenant to be adjutant, one first lieutenant to be paymaster, one second lieutenant to be inspector and one second lieutenant to be chief musician, and the sergeant, corporal and guardsmen, who are to be stationed at headquarters.

SECTION 9.—(708)—The Governor, by and with the

consent of the Executive Council, is hereby authorized to appoint an Insular Police Commission, to be composed of three reputable citizens who do not hold commissions and who are not enlisted in the Insular Police and who shall serve as Commissioners without compensation, and whose duty shall be as hereinafter defined. The term of office of the Commissioners shall be three years from the date of appointment but the first Commissioners to be appointed under this Act shall be appointed and hold office for one, two and three years respectively.

SECTION 10.—(709)—The Commissioner having the shortest time to serve shall be the chairman of the Commission. There shall be one guardsmen detailed as a clerk for the Commission.

SECTION 11.—(710)—It shall be the duty of the said Insular Police Commission to establish rules and regulations prescribing rigid physical and moral qualifications as conditions of enlistment in the Insular Police, and such rules and regulations shall be approved by the Governor before they become operative, and thereafter enlistments shall be made pursuant to such rules and regulations.

SECTION 12.—(711)—The said Insular Police Commission shall also make rules and regulations with respect to the conduct of the Insular Police, providing the means and methods by which punishment may be imposed for violation thereof; but no such rules or regulations shall conflict with the provisions of the law, nor shall they be effective or valid until first approved by the Governor.

SECTION 13.—(712)—All rules and regulations made in pursuance of the two preceding sections, when approved by the Governor, shall be published in pamphlet

form, in English and Spanish, as the official rules of the Insular Police and distributed to all commissioned officers, warrant officers and guardsmen belonging to the force.

SECTION 14.—(713)—All enlistments hereafter made shall be for the term of two years.

SECTION 15.—(714)—Persons enlisted in the Insular Police must be *bona fide* citizens of Porto Rico, between the ages of twenty-one and forty years, of good character and sound health, able to read and write, weighing not less than one hundred and thirty pounds and being not less than one hundred and sixty-eight centimeters in height, and possessing a chest movement of at least five centimeters.

SECTION 16.—(715)—It shall be duty of the Insular Police Commission to examine all applicants for enlistment, and to appoint all guardsmen according to the respective merits of the applicants.

SECTION 17.—(716)—No person enlisted as a guardsman in the present Insular Police, shall be removed by the Commission, except where the term of enlistment has expired, or where such person has become physically incompetent, or where he has been convicted of a crime before a competent court, but the Commission shall have the power to fine or to suspend or to remove any warrant officer or guardsman for a violation of any of the rules or regulations of the force; but in case of removal or suspension, the action of the Commission shall not be valid until endorsed by the Chief and approved by the Governor.

SECTION 18.—(717)—Any warrant officer or guardsman may be temporarily suspended from duty without pay, by orders of the Chief, for violation of the rules or regulations, such suspension to continue until action is

taken in regard to the matter by the Insular Police Commission.

SECTION 19.—(718)—All officers of the Insular Police of Porto Rico shall be appointed and commissioned by the Governor and shall hold their office at his pleasure; and all promotions to the rank of commissioned officer or from one grade to another among the commissioned officers shall be made at the pleasure of the Governor.

SECTION 20.—(719)—Warrant officers shall be appointed by the Chief of the Insular Police after competitive examination of applicants from the ranks. The Chief shall have the power to reduce any warrant officer to the grade of guardsman for a violation of the rules or regulations.

SECTION 21.—(720)—Commissions issued to persons holding appointments in the existing Insular Police force, shall bear date from the time of their respective appointment therein.

SECTION 22.—(721)—The Insular Police Commission, with the approval of the Governor shall fix the compensation of the officers and the enlisted men of the Insular Police of Porto Rico, not to exceed a maximum annual compensation according to the following rates: The Chief, twenty seven hundred and fifty (2,750.00) dollars; each captain, fifteen hundred (1,500) dollars; each first lieutenant, one thousand (1,000) dollars; each second lieutenant, nine hundred (900) dollars; each sergeant, six hundred (600) dollars; each corporal, four hundred and eighty (480) dollars; each guardsman, three hundred and sixty (360) dollars. Captains stationed and residing in San Juan, Ponce and Mayaguez, may receive each twenty five (25) dollars per month additional compensation. The paymaster shall recei-

ve additional compensation at the rate of two hundred (200) dollars per annum.

SECTION 23.—(722)—The numerical strength of the Insular Police Porto of Rico shall be such as the Insular Police Commission, with the approval of the Governor, may determine, but the maximum force shall never exceed one chief, seven captains, nine first lieutenants, nine second lieutenants, twenty-five sergeants, seventy-five corporals and seven hundred guardsmen. Not more than two hundred of the guardsmen shall be mounted.

SECTION 24.—(723)—The Insular Police Commission shall authorize all necessary expenditures of money, and shall approve all vouchers for such necessary expenses, such approval to be evidenced by the signature of the chairman of the Commission.

SECTION 25.—(724)—It shall be the duty of the Insular Police Commission to purchase horses and equipments for maintaining and equipping the horsemen and such commissioned officers and warrant officers as may be necessary. The feeding, care and shoeing of the horses of that portion of the force which is mounted by the direction of the Insular Police Commission, shall be a charge against the Insular Police fund.

SECTION 26.—(725)—Any warrant officer whose term of enlistment expires, shall retain his rank if he re-enlists within ten days from the date of his discharge, and such re-enlistment may be made without re-examination in case the applicant is favorably recommended by the commanding officer of the force.

SECTION 27.—(726)—In any case where the municipal judge or the police judge may deem it necessary to secure or have the aid of an insular policeman in the apprehension or arrest of any person charged with an

offense it shall be lawful for such judge to call upon any insular policeman, furnishing him a written and signed authority or warrant of arrest for such person, and thereupon it shall be the duty of such policeman to give the necessary help in order to secure the arrest and detention of the person so charged.

SECTION 28.—(727)—Transfer of commissioned officers of the Insular Police force shall be made by the Chief under the direction of the Governor. Transfers of warrant officers and guardsmen shall be made by order of the Chief of the Insular Police force, and no warrant officer or guardsmen shall be allowed to remain at the same post for a less period than four months unless good cause for such transfer be shown, or for a longer period than twelve consecutive months.

SECTION 29.—(728)—In the event of the temporary absence or disability of the Chief of the Insular Police, it shall be the duty of the Governor to designate or appoint some commissioned officer in the Insular Police force to act as Chief during such temporary absence or disability, but such officer so acting as Chief shall receive no extra compensation for such services.

SECTION 30.—(729)—Members of the Insular Police force, when travelling in obedience to orders from headquarters or in response to the summons of the Supreme, District or Federal courts, shall be furnished transportation without charge to such policemen. Such transportation shall be provided by the alcalde from his own town to the next on the route.

SECTION 31.—(730)—It shall be the duty of the several municipalities to care for members of the Insular Police within their municipalities in case such policemen require medical assistance, and it is hereby made the duty of the titular physician in the several munici-

palities of the island, to attend members of the Insular Police within their several jurisdictions, and to furnish any necessary prescriptions and certificates to them free of charge.

SECTION 32.—(731)—In case any member of the Insular Police force shall be charged with assault or homicide, it shall be the duty of the Insular Police Commission to make inquiry into the facts relating to such charge, and if it shall appear *prima facie* evident to the said Insular Police Commission that the acts on which such a charge is based were done while in the performance of duty, then it shall be the duty of the Insular Police Commission to employ legal counsel in defense of the policeman so charged, and compensation to counsel making such defense shall be deemed a charge against the police fund. But in no case shall any fee paid in the cases herein provided for exceed the sum of one hundred (100) dollars.

SECTION 33.—(732)—Whenever the Governor may direct, and at least once a year, there shall be a concentration and review of the Insular Police force in some convenient city of the island, with a view to public drill and practice in the manual of arms and other military tactics. It shall be the duty of the Chief to order as many members of the police force to attend such review, as may be practicable without detriment to the service throughout the island. It shall be the duty of the Governor to designate three persons of military skill and experience, who shall witness such review and determine which company is the most proficient in drill and general military conduct, and to the company so selected as the best, there shall be awarded a silk flag of proper design which shall be held by such company till the next annual review, and until some other com-

pany is declared to be more proficient in which event it shall pass to the company to which it may be awarded.

SECTION 34.—(733)—There shall be awarded annually three medals to those members of the Insular Police force, who are not commissioned as officers and who may have performed conspicuous act of bravery during the year. One of such medals shall be gold and shall be considered the highest award; the other two shall be of silver and shall be deemed of equal honor.

The award shall be made on the day of the annual review and in the presence of the entire force assembled. The members selected to receive such medals shall be designated by the Insular Police Commission, with the approval of the Chief of the force, and the presentation of one medal shall be made by the Governor, another by the Commission and another by the Chief.

SECTION 35.—(734)—The council of any municipality is hereby authorized to appoint sanitary inspectors, but in no case shall they exceed in number one such inspector for every ten thousand (10,000) people. It shall be the duty of such sanitary inspectors to confine themselves exclusively to the execution of sanitary laws and ordinances, but in no case shall they be permitted to carry arms or to make arrests. Any sanitary inspector who violates the provisions of this section shall be deemed guilty of a misdemeanor, and shall be fined not less than twenty five (25) dollars and not more than one hundred (100) dollars, or be imprisoned for a period not to exceed thirty (30) days, or both at the discretion of the court, and shall forfeit his position as such inspector.

SECTION 36.—(735)—No municipality shall organize

or commission or employ any municipal police, except as provided in this Act.

SECTION 37.—(736)—An Act entitled “An Act to create and provide for an Insular Police of Porto Rico,” approved on the thirty-first of January, nineteen hundred and one, and all other laws, orders and decrees and parts thereof in conflict herewith, shall be and are hereby repealed.

SECTION 38.—(737)—This Act shall take effect and be in force from and after the first day of March, nineteen hundred and two.

Approved, March 1, 1902.

AN ACT

TO PROVIDE FOR THE PROTECTION AND POLICING OF THE
INSULAR HIGHWAYS OF PORTO RICO.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(738)—That the provisions of chapters 1, 2 and 3 of the “Rules and Regulations for the Protection and Policing of the Insular Highways of Porto Rico,” approved by the government of Spain on July 11, 1884, and declared in force in Porto Rico on the 27th of August of the same year, are hereby re-enacted and put in force and effect, except as otherwise hereinafter provided.

SECTION 2.—(739)—That the provisions of chapters 4 and 5 of the aforesaid “Rules and Regulations” are hereby repealed.

SECTION 3.—(740)—That the word “peso” wherever found in the three chapters of the “Rules and Regula-

tions" referred to in Section 1 of this Act, shall be held to mean "dollar".

SECTION 4.—(741)—That the words "Governor of the Province" contained in article 37 of chapter 3, shall be substituted by the words "Commissioner of the Interior."

SECTION 5.—(742)—That article 38 of chapter 3, of the said "Rules and Regulations" shall hereafter read as follows: "The Commissioner of the Interior shall, after consultation with the Superintendent of Public Works, decide as soon as possible, all matters to which reference is made in the preceding article; but an appeal may be taken and allowed from such decision to the District Court of the place where the proposed work may be located, in the same manner and form as appeals are taken and allowed in the police courts."

SECTION 6.—(743)—That prosecutions under this Act shall be made upon charges brought before the police judge of the town nearest the place where the act shall have been committed

SECTION 7.—(744)—That such complaint may be made by any person, but the arrests shall be made by the police officers of the towns through which the road passes, by the Insular Police and especially by the road menders (camineros), foremen and other road employees, who are hereby given police power to arrest all persons violating the provisions of this Act. The charges shall be made in duplicate and in writing; one of the copies shall be filed in the office of the police judge and the other shall be returned, properly attested by the said judge, to the person making the complaint.

SECTION 8.—(745)—That upon the filing of such charges with the police judge, this office shall, in accordance with law, proceed to the trial of the case, and if

the accused person be found guilty the judge shall impose the penalty herein provided. Where the offense is punishable unde the provisions of the Penal Code, the accused party and all records relating to the charge shall be referred to the proper court by the police judge.

SECTION 9.—(746).—That the amount of such fine as may be imposed pursuant to the provisions of this Act, shall be paid one-half into the insular treasury and one-half into the treasury of the municipality in the same manner as all other fines imposed by police courts; *Provided*, that when such fines are not paid, the guilty party shall be sentenced to imprisonment in the form for such cases made and provided in police courts.

SECTION 10.—(747).—That all police judges shall send to the Commissioner of the Interior, a semi-annual statement of the fines imposed in accordance with the provisions of this Act.

SECTION 11.—(748).—That all laws, decrees, orders, general orders, regulations or parts thereof, in conflict herewith, are hereby repealed.

SECTION 12.—(749).—That this Act shall take effect from and after its passage.

Approved, March 1, 1902.

AN ACT

TO DEFINE RIGHTS OF THE PEOPLE.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(750).—The free exercise and enjoyment of religious profession and worship, without discrimination shall forever be guaranteed, and no person shall be denied any civil or political right or privilege in

Porto Rico on account of his opinions concerning religion, but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness by bigamous or polygamous marriages or otherwise, or justify actions inconsistent with the good order, peace and safety of Porto Rico, or opposed to the civil authority of the People of Porto Rico or of the United States. No person shall be required to attend any place of worship or support any ministry, religious sect or denomination against his consent, nor shall any preference be given by law to any religion, denomination or mode of worship.

SECTION 2.—(751).—The right of people to be secure in their persons, papers, homes and effects, against unreasonable searches or seizures, shall not be violated and no warrant to search any place or seize any personal thing shall be issued without describing the place or person to be searched and the thing to be seized or without probable cause supported by oath or affirmation reduced to writing.

SECTION 3.—(752).—Freedom of speech shall not be impaired and every person in Porto Rico shall be free to speak, write or publish whatever he will on any subject, being responsible however, for all abuse of that liberty.

SECTION 4.—(753).—The people of Porto Rico shall have the right peaceably to assemble for the common good and to apply to those invested with the powers of government for redress of grievances by petition or remonstrance.

SECTION 5.—(754).—All acts, decrees or laws or parts thereof in conflict or inconsistent with this law be and the same are hereby repealed.

Approved, February 27, 1902.

AN ACT

PROVIDING FOR THE APPOINTMENT OF A DIRECTOR OF HEALTH,
DEFINING HIS DUTIES AS SUCH, AND ESTABLISHING A SUPERIOR BOARD OF HEALTH, AND FOR OTHER PURPOSES.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(755)—The Governor shall, by and with the advice and consent of the Executive Council, appoint a Director of Health, who shall be under the jurisdiction and administrative control of the Commissioner of the Interior.

SECTION 2.—(756)—The Director of Health shall be a physician of good standing and shall have been registered as required by law. He shall also have practiced his profession for at least ten (10) years. He shall supervise and direct the enforcement of the sanitary laws of Porto Rico. He shall make special study of the vital statistics of the island shall use every endeavor to make good and advantageous use of the recorded documents concerning the death and sickness of the people. He shall, when so required, advise the officers of the government or other boards of insular corporations, in regard to the location, drainage, water supply, heating and ventilation of any public building or institution.

SECTION 3.—(757).—The Commissioner of the Interior with the approval of the Governor, shall appoint a Superior Board of Health, of seven members consisting of the Director of Health, the vice-director of health, two physicians, one lawyer, one druggist, and one civil engineer, who shall hold their offices for the period of two years. The Director of Health shall be *ex-officio* president and the vice-director of health shall be the secretary of the Board, and the disbursing officer thereof and

shall be paid such salary as may be fixed by the Executive Council payable from the appropriation provided by law for the salary of the secretary and treasurer of the Superior Board of Health, and they shall have a right to vote on all matters.

SECTION 4.—(758).—No member of the Superior Board, except the Director and the vice-director of health, shall receive any compensation except for his travelling and other expenses which may arise when he is engaged in official business. *Provided*, however, that such expenses, other than travelling expenses, shall not exceed, for each unsalaried member, four (4.00) dollars per day for each day of service, nor the sum of one hundred (100) dollars in any fiscal year.

SECTION 5.—(759).—The Board shall hold regular meetings at the city of San Juan at least once in each month, on dates to be fixed by the members thereof. Special meetings may be held either on call of the president or upon petitions of four of its members. Four members of the Board shall constitute a quorum for the transaction of business.

SECTION 6.—(760).—It shall be the duty of the board to make sanitary investigations and inquiries concerning the causes of sickness and specially those of epidemics, including domestic animals; to investigate the sources of mortality and the effects of localities, employments, conditions, habits, foods, beverages and medicines on the public health.

SECTION 7.—(761).—To order that general sanitary inspections throughout the island be made of all public institutions, buildings and places belonging to the insular government, to municipal corporations or cities.

SECTION 8.—(762).—To frame and publish rules and regulations for public hygiene on the island, and to

order nuisances and causes of special diseases or mortality to be abated; and to enforce such regulations for interior quarantine as the board may enact.

SECTION 9.—(763)—To pass on the sanitary requirements of all plans and specifications for all new water supplies, drainage, sewerage, plants and public institutions of all kinds, and all alterations in such works, institutions and places, and report thereon to the Commissioner of the Interior. Copies and specifications of said plans shall be recorded in the office of the Board. To have general supervision over the insular system of the registry of births, marriages and deaths, and of the prevailing diseases, and to preserve and have the original documents of said registry well cared for; and to prepare and order the necessary manner in which, and blank forms on which to obtain and preserve said statistical data.

SECTION 10.—(764)—To establish rules for the admission of persons to the practice of medicine, and surgery, pharmacy, dental surgery, midwifery, "practican-tes", nurses, embalming and burials; and for examination and licensing of plumbers and to compel the observance of all the sanitary regulations adopted by the government of the island; *Provided*, that no person shall be admitted to practice medicine or surgery and of dental surgery hereunder unless he holds a degree or diploma from some medical or dental school or institution which in the judgment of the Superior Board of Health is in good standing and reputation.

SECTION 11.—(765)—To inquire into and report upon all infractions of laws governing the purity and good condition of foods, beverages, medicines and drugs; to submit to the consideration of the Governor, through the Commissioner of the Interior, rules for the repres-

sign of occupations prejudicial or dangerous; report concerning any special cause of danger to life, and make suggestions in connection therewith; and to call upon the local boards of health for the enforcement of regulations made by it in the respective districts.

SECTION 12.—(766)—To inspect through its inspectors and see to all things which concern public health and individual security. And further, to intervene and have general direction in all things concerning the following matters: Public water supply, markets, bakeries, general grocery stores (pulperías), milk stalls and meat stalls; purity and good condition of foods, beverages, liquors, drugs and medicines; public institutions, schools, asylums, jails, hospitals, dispensaries, court rooms, theatres and residences; vital statistics, marriages, births and deaths; examinations, licensing and registration of physicians, surgeons, veterinarians, dentists, druggists, midwives, practicanes, plumbers and undertakers; sewerage, street cleaning, privies, water closets and cesspools, nuisances, slaughterhouses, stables and yards; infectious and contagious diseases, traffic, business, industries and factories injurious to public health; funerals and cemeteries, disinfection, licenses and permits; vaccination and the production of vaccine virus; diseases of domestic animals communicable to human beings; interior quarantine, poisons, explosives and special danger to life and health and the origin thereof; intervention in and sanitary inspection of land conveyances for travel and traffic. *Provided*, that in all matters specified in sections 6, 7, 8, 9, 10, 11, and 12, the Superior Board of Health shall direct to the local boards of health, the performance of all duties related to those matters in their several communities.

SECTION 13.—(767).—Whoever shall fail, neglect or refuse to obey the rules established by the Superior Board of Health or by the local boards of health, shall, upon conviction of the first offense be fined in a sum not less than one dollar nor exceeding one hundred dollars, and for each subsequent offense shall be punished by a fine of not less than twenty dollars nor more than two hundred dollars. And a fine thus incurred shall be turned over to the treasury of the municipality wherein the offense shall have been committed.

SECTION 14.—(768).—No court of the island shall have power to give any order retarding, delaying, suspending or preventing the Director of Health from proceeding to abate a nuisance or source of filth liable to produce sickness or dangerous to the public health, until after notification to the Superior Board to appear at the hearing of such application to be heard thereon.

SECTION 15.—(769)—For carrying into effect the provisions of this Act the sum of twenty-four hundred dollars is hereby appropriated from any moneys in the treasury not otherwise appropriated to pay the salary of the Director of Health for the fiscal year ending June thirtieth, nineteen hundred and three, being in addition to the amount provided in the general appropriation Act for said fiscal year.

SECTION 16.—(770)—The members of the Superior or local boards of health and each of its inspectors and other officials shall have the duty of arresting and prosecuting any person violating any of the provisions of this Act, or any rule or regulation established in pursuance thereof.

SECTION 17.—(771)—All laws or parts of laws, orders, and decrees or parts of them in conflict with all or part of this law, are hereby repealed.

SECTION 18.—(772)—This Act shall take effect and be in force from and after the first day of July, nineteen hundred and two.

Approved, March 1, 1902.

AN ACT

TO PREVENT CONTAGIOUS AND INFECTIOUS DISEASES.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(773)—That the Governor, upon the recommendation of the Superior Board of Health is authorized and empowered to establish, maintain and enforce such local quarantine, sanitary and other regulations, as he may deem necessary to protect the health and safety of the people or domestic animals of the island, from all contagious or infectious diseases, and by proclamation to designate the foreign or domestic ports against which sanitary or quarantine regulations shall be enforced or with which all intercourse shall be prohibited.

SECTION 2.—(774)—Any person who shall violate any order or proclamation so issued by the Governor or any part thereof shall be liable to punishment according to the provisions of the Penal Code. The police shall enforce and make effective all such quarantine, sanitary or other regulations or proclamations.

SECTION 3.—(775)—The Superior Board of Health shall prepare regulations for the treatment, quarantine, and destruction of domestic animal suffering from infectious or contagious diseases.

SECTION 4.—(776)—The President of the Board of Health, members of the Superior Board of Health and

insular health inspectors shall have the power to arrest and prosecute any person offending the above mentioned regulations, proclamations, or any part of them.

SECTION 5.—(777)—All laws, royal decrees, general orders and parts thereof in conflict with the provisions of this Act are hereby repealed.

SECTION 6.—(778)—That this Act shall take effect from and after its passage.

Approved, March 1, 1902.

AN ACT

ESTABLISHING "QUO WARRANTO" PROCEEDINGS.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(779)—"Quo Warranto" is a writ by which the People of Porto Rico commence an action to recover an office or franchise from the person or corporation in possession of same.

SECTION 2.—(780)—That in case any person should usurp or unlawfully hold or execute any public office or should unlawfully make use of any franchise, or likewise shall hold any office in any corporation created by and existing under the laws of Porto Rico or any public officer shall have done, or suffered any act which, by the provisions of the law, works a forfeiture of his office, or any association or number of persons shall act within Porto Rico as a corporation, without being legally incorporated, or any corporation does or omits any act which amounts to a surrender or forfeiture of its rights and privileges as a corporation or exercises rights not conferred by law: The Attorney General or any Fiscal of the respective District Courts, either of his own accord

or at the instance of any individual relator, may present a petition to the District Court of competent jurisdiction, for leave to file an information in the nature of "Quo Warranto" in the name of the People of Porto Rico and if such court shall be satisfied that there is probable ground for the proceeding, the court may grant the petition, and order the information to be filed, and process to issue.

Where it appears to the court that the several rights of divers parties to the same office or franchise may properly be determined on one petition, the court may give leave to join all such persons in the same petition in order to try their respective rights to such office or franchise.

SECTION 3.—(781)—On the filing of such petition, the secretary shall issue a summons returnable in ten days, but if any defendant resides out of Porto Rico he may be served in the same manner and with like effect as in other suits.

SECTION 4.—(782)—Every defendant who shall be summoned or served with a copy of the petition as required in this Act, shall be held to plead to the petition on the return day of the summons, or when served with a copy of the information at the expiration of the time as may be granted by the court, or in default thereof, judgment may be taken nihil dixit.

SECTION 5.—(783)—The court in which any information, as aforesaid, is filed, may allow the relator or any defendant such convenient time to plead, reply or demur, as it shall deem just and reasonable.

SECTION 6.—(784)—In case any person or corporation against whom any such petition is filed, or adjudged guilty, the court may give judgment of ouster against such person or corporation from the office or franchise,

and fine such person or corporation for usurping, intruding into, or unlawfully holding and executing such office or franchise, and also give judgment in favor of the relator for the costs of the prosecutions: *Provided*, that instead of judgment of ouster from a franchise, the court may fine the person or corporation found guilty in any sum not exceeding five thousand dollars for each offense.

Whenever judgment is rendered in favor of any defendant such defendant shall recover from the relator his costs including a reasonable attorney's fee.

SECTION 7.--(785)—Appeals and writs of error may be taken and prosecuted in the same manner as in all other civil actions.

SECTION 8.--(786)—All laws, parts of laws, orders or parts of orders, contrary to this Act, be, and are hereby repealed.

SECTION 9.--(787)—That this Act shall take effect from and after its passage.

Approved, March 1, 1902.

AN ACT

TO REVOKE AND TERMINATE SUCH RIGHTS AND PRIVILEGES OF THE NEW YORK AND PORTO RICO STEAMSHIP COMPANY AS MAY BE CLAIMED OR DEEMED TO BE EFFECTIVE AND STILL IN FORCE IN THE HARBOR AND HARBOR SHORES OF SAN JUAN, AND FOR OTHER PURPOSES.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.--(788)—That so much of all the privileges, rights or concessions to build and maintain a wharf and building thereon in the harbor of San Juan, Porto

Rico, heretofore granted by the Secretary of War of the United States to the New York and Porto Rico Steamship Company under and by virtue of a certain revocable license dated on the twenty-eighth day of February, nineteen hundred, as may be said, claimed, held or deemed to be still effective and now in force, and so much thereof as may be said, claimed, held or deemed not to have been already abrogated or terminated by operations of law or otherwise, are hereby revoked; and such privileges, rights and concessions, if any there are so remaining now effective and in force, are hereby declared to be terminated and at an end.

SECTION 2.—(789)—The Governor, in the name of the People of Porto Rico is hereby authorized and empowered to take and resume possession and control of the harbor shores of San Juan, to the exclusion of said New York and Porto Rico Steamship Company so far as it may claim privileges, rights or concessions therein under the said revocable license; and he is also further authorized and empowered to take and resume possession and control of the waters in the harbor of San Juan that lie between the harbor shores and the established and authorized bulk or pier head line to the exclusion of the said company to the extent aforesaid.

SECTION 3.—(790)—This Act shall take effect from and after its passage.

Approved, February 21, 1902.

AN ACT

TO EMPOWER THE EXECUTIVE COUNCIL, IN ITS DISCRETION, TO ENTER INTO A LEASE WITH THE "COMPAÑIA DE LOS FERROCARRILES DE PUERTO RICO."

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(791)—If, in its discretion, the Executive Council of Porto Rico may see fit to grant any franchise or franchises to the Compañía de los Ferrocarriles de Puerto Rico, in consideration of the adjustment of any and all differences now and heretofore existing between the said company and the Government of Porto Rico, and if it shall seem wise and proper for the said Executive Council to award to the said railroad company any right to the use of any real estate in the city of San Juan, then the Executive Council is hereby authorized, in its discretion, to enter into a lease of the two parcels of real estate specified in Section 2 of this Act, or any part or parcel thereof as to the Council may seem right and proper, either with or without the appurtenances thereon, as the Council may determine, for the term of fifty (50) years, at such annual rental as to the Council may seem proper: *Provided*, nothing herein contained shall in any way be construed to make it obligatory upon the said Executive Council to enter into any lease whatsoever for the said land hereinafter described, or any part thereof, unless the Council shall deem it wise and to the best interests of the Island of Porto Rico to do so.

SECTION 2.—(792)—The parcels of real estate, the whole or any part or parcel thereof which may, in the exercise of the discretion of the Executive Council, be leased under and pursuant to the terms of this Act, are

within the city of San Juan, Porto Rico, and same appear described as follows, viz:

1. The parcel known and designated as Manzana No. 14, upon the plan of the Board of Public Works, said parcel being bounded by calle E on the north, calle D on the south, calle L on the east and calle M on the west, and its dimensions being 67.5 metres more or less by 70 metres more or less, and its area being 4,725 square metres more or less.
2. A parcel bounded as follows: Beginning at a point formed by the intersection of the east side of calle C and the south side of calle D [said point being 21.31 metres from the southwest corner of part "e" of Manzana No. 13 on the plan of the Board of Public Works and said point also being 24.04 metres from the southeast corner of lot A now occupied by the factory of the Porto Rican American Tobacco Company] thence following the south side of calle D in an easterly direction for a distance of 169.00 metres, then at right angles to the last line in a westerly direction for a distance of 149.62 metres, thence along the east line of calle C for a distance of 36.9 metres, back to the point of beginning, the whole containing an area of—square metres.

SECTION 3.—(793)—All laws and parts of laws in conflict with this Act, be and the same are hereby repealed.

SECTION 4.—(794)—This Act shall be take effect immediately after its passage.

Approved, January 31st, 1901.

AN ACT

TO EXEMPT FROM TAXATION FOR A PERIOD OF YEARS CERTAIN RAILROADS FOR THE CONSTRUCTION AND OPERATION OF WHICH FRANCHISES HAVE BEEN GRANTED BY THE EXECUTIVE COUNCIL OF PORTO RICO.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(795)—That the Compañia de los Ferrocarriles de Puerto Rico, its successors and assigns, are hereby exempted from all insular and municipal or local taxation of every name and nature for a period of twenty-five (25) years from the date of the acceptance by it of a certain ordinance passed by the executive council of Porto Rico on the twenty-sixth day of October, nineteen hundred and one, granting to it the right to extend its railroad lines to and between certain points in the Island of Porto Rico; said exemption from taxation to include any taxes heretofore levied and now due and to cover the railroad lines and property heretofore built and acquired by it as well as the railroad lines and property hereafter to be built and acquired by it.

SECTION 2.—(796)—That the Port America Company, a corporation organized under the laws of the State of New Jersey, and its successors and assigns, are hereby exempted from all insular and local or municipal taxation whatsoever during the period of construction and for fifteen years thereafter, as provided in a certain ordinance passed by the Executive Council of Porto Rico on the twenty-eighth day of October, nineteen hundred and one, granting to the said company a franchise for the purpose of building and operating railroads in the Island of Porto Rico.

SECTION 3.—(797)—Neither of the said companies shall enjoy or have the benefit of the exemptions hereby granted until it has filed with the Governor of Porto Rico a formal agreement in writing, in which, for itself, its successors and assigns, it shall undertake for and during the period of exemption from taxation hereby granted to it, to convey free of charge, officers and members of any insular police or military force when said officers and members are in uniform and are in the performance of their duty, or when not in uniform but on some special service, they produce a written order for free transportation signed by the Governor or any of the heads of the general departments of the government.

SECTION 4.—(798)—This Act shall take effect from and after its passage.

Approved, February 4, 1902.

AN ACT

TO PROVIDE FOR APPEALS AGAINST THE DECISIONS OF REGISTRARS OF PROPERTY.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(799)—That when any registrar of property refuses absolutely or provisionally to record or to give its full legal effect to any document which may be presented to him for recording or for the annotation of the contents thereof, whether it be a deed, a decree, a mortgage, a satisfaction of a mortgage or any other document which he is required by law either to record or to enter, he shall set out clearly and concisely at the foot of the document his reasons for the

refusal and shall serve notice of his action upon the interested party accompanied by a copy of his written reasons for the refusal.

SECTION 2.—(800)—In case the party interested in the record or the entry of the document shall not withdraw it within two days after having been notified as aforesaid, the registrar shall forthwith forward it to the Supreme Court in order that it may affirm or reverse his action. The decision of the Supreme Court shall be rendered within ten days after the receipt of the document, and on the day following its rendition the document, accompanied by a copy of the decision, shall be returned to the registrar in order that he may comply with the decision of the Court. While the matter is pending in the Supreme Court, the interested party may, either in person or by attorney, submit a written argument to the Court, in support of his right to have the document recorded or entered.

SECTION 3.—(801)—The party interested may withdraw the document within two days after the refusal of the registrar to record or enter it, and within twenty days thereafter may present it to the Supreme Court and the Court shall thereupon affirm or reverse the action of the registrar, as in Section 2.

SECTION 4.—(802)—Informal defects, if capable of correction, shall not constitute a legal ground for refusing to record or to enter any document presented which constitutes a muniment of title or constitutes or removes a charge against real estate. The record of any such document shall contain a reference to the defects in it and if, at any subsequent time, a document be presented for the purpose of curing the defects existing in the previous document, it shall be recorded and a marginal note of the correction of the defect shall

be made on the record or entry of the first document.

SECTION 5.—(803)—Any party interested in any document presented for record may appeal to the Supreme Court from any decision of the registrar as to the existence of defects and as to whether they are immaterial and curable or not. The Supreme Court may affirm or reverse the decisions of the registrar and the registrar shall make the appropriate entry in conformity with its decision.

SECTION 6.—(804)—In case the decision of the registrar is affirmed, the Supreme Court may, in its discretion, impose as costs upon the party taking the appeal, a sum not less than ten dollars (\$10.00) or more than fifty dollars (\$50.00) collectible upon execution ordered by the Supreme Court and payable into the treasury of Porto Rico. In case the decision of the registrar be reversed the Supreme Court may, in its discretion, impose upon the registrar as costs, postage and incidental expenses not exceeding fifty dollars of the person in interest and may also require the registrar to enter the record without charge.

SECTION 7.—(805)—Whenever any registrar shall refuse to record or enter any document or give it due legal effect, he shall make an entry of the presentment and refusal in the proper volume and page number belonging to the property in question. Such entry, however, shall have effect only during four months from the date thereof.

SECTION 8.—(806)—The registrars of property shall be under the administrative jurisdiction of the Attorney General.

SECTION 9.—(807)—Issues of law or of fact as to the effect upon the title to real estate or rights therein as affected by priority or preference between or among

documents of title or priority in the recording or the entry of the same shall be decided by declaratory actions in the tribunals of justice.

SECTION 10.—(808)—General Order Number 99 of April 30, 1900, and all the articles of the mortgage law and the regulations for the execution thereof or parts of the same in conflict with this Act are hereby repealed.

SECTION 11.—(809)—This Act shall take effect from and after its passage.

Approved, March 1, 1902.

AN ACT

IN RELATION TO "SCHOOLS FUNDS" AND PAYMENT THEREOF
BY MUNICIPALITIES.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(810)—That the per centum of all taxes collected and funds received from the insular treasury that each municipality is required to set aside as "School Funds", in accordance with the provisions of Section 5 of the Act entitled "An Act to establish a public school system in Porto Rico", approved January thirty-first, nineteen hundred and one, shall not be less than fifteen per centum (15%) nor more than twenty five per centum (25%) of said taxes or funds received by such municipality.

SECTION 2.—(811)—In any contract between the school boards and teachers providing for the payment of house rent, salary or other items contracted for in cases where the insular government pays the salary, or part of the same the Commissioner of Education is hereby authorized to enforce the contract. After ten days'

written notice of failure on the part of the treasurer of the school board to pay when due the amounts contracted under the school laws of Porto Rico said written notice having been mailed by the Commissioner of Education to the president of the school board and to the alcalde of the town, the Auditor is hereby authorized to withhold from the next succeeding disbursement of municipal taxes to said municipality, a sum sufficient according to the certified statement of the Commissioner of Education to pay the claim of such contracts with teachers in said municipality, and the Auditor is hereby directed to approve such claims and the Treasurer will pay the same from moneys withheld from the funds of the municipalities.

SECTION 3.—(812)—That all laws or parts of laws in conflict with this Act are hereby repealed.

SECTION 4.—(813)—That this law shall take effect from the first day of July, nineteen hundred and two.

Approved, February 26, 1902.

AN ACT

AUTHORIZING THE MUNICIPALITIES OF PORTO RICO TO LEVY A
SPECIAL PROPERTY TAX, TO BE KNOWN AS SCHOOL TAX.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(814)—That for the fiscal year beginning July first, nineteen hundred and two, and ending the thirtieth day of June, nineteen hundred and three, and in every succeeding fiscal year, in addition to the regular taxes of which, according to law, at least 15 per cent and not more than 25 per cent must be set aside as a school fund the ayuntamientos may levy a property tax to be known as "a school tax" and not to exceed

1/10 of 1% of the assessed value of all real and personal property of the respective municipality, in accordance with the assessment made by the Treasurer of Porto Rico to levy and collect the insular property tax.

SECTION 2.—(815)—The ayuntamiento of each municipality shall decide on or before the twentieth day of June of each and every year whether such additional tax shall be levied, and shall fix the rate within the limit allowed by Section 1, basing the same upon reports of the respective school boards situated in each municipality and in accordance with the needs for school funds in whatsoever manner determined and shall notify the Treasurer of Porto Rico immediately upon the adoption of the resolution fixing said rate. The Treasurer of Porto Rico shall collect the school tax hereby established in the same form and subject to the rules provided for by Act entitled "An Act to provide revenue for the People of Porto Rico, and for other purposes", approved January thirty-first, nineteen hundred and one, and said official shall pay pursuant to law to the treasurer of each school board in the months of March and September of each year the amounts collected during the six preceding months as school taxes in each of the respective school districts.

SECTION 3.—(816)—That the amounts accruing to the treasury of each municipality on account of the school taxes hereby established shall be devoted solely to school purposes.

SECTION 4.—(817)—That all laws, decrees or orders or parts thereof in conflict with this Act are hereby repealed.

SECTION 5.—(818)—That this Act shall take effect from and after its passage.

Approved, March 1, 1902

AN ACT

TO PROVIDE A GREAT SEAL AND COAT OF ARMS FOR PORTO RICO.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—(819)—The Governor of Porto Rico, the President of the Executive Council, the Speaker of the House of Delegates, the Honorable Andres Crosas, and the Honorable Cayetano Coll y Toste, are hereby created a commission, of which the Governor shall be the chairman, for the purpose of selecting and approving and adopting a great seal and coat of arms for the Island of Porto Rico. A majority of such commission is hereby empowered to act pursuant to the provisions of this law.

SECTION 2.—(820)—The said commission is hereby empowered and directed to secure such drawings or designs as to it may seem necessary and proper to effect the object of this law, and the sum of five hundred dollars (\$500.00) or as much thereof as may be necessary, is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, to be paid out on vouchers approved by the Governor, for the purpose of securing designs or drawings and the purchase of a seal when the commission has decided upon the adoption of one.

SECTION 3.—(821)—After the said commission, or a majority or them, shall have approved of and adopted a design for a seal and coat of arms, they shall affix their signatures to the order of such approval and adoption, and submit the same to the Executive Council, and if the design is approved by the Executive Council it shall be filed in the office of the Secretary of Porto Rico, whereupon it shall be the duty of the

Governor of Porto Rico, as the chairman of the commission, to certify over his hand that the commission and the Executive Council have approved and adopted such design and coat of arms as the official seal of Porto Rico, and to publish such certificate, together with a facsimile of the seal in at least three newspapers of general circulation throughout the Island; and thereupon, from the time of the filing of the order of adoption and the certification by the Governor as aforesaid, the design and seal and coat of arms so selected and adopted by the commission, shall be the official seal of Porto Rico, to be thereafter known and used as such, and there shall be no other great seal for Porto Rico.

SECTION 4.—(822)—All Acts and parts of Acts in conflict with this Act, be, and the same are hereby repealed.

SECTION 5.—(823)—This Act shall take effect from and after its passage.

Approved, January 31, 1901.

AN ACT

AUTHORIZING THE GOVERNOR TO COOPERATE WITH THE DIRECTOR OF THE UNITED STATES GEOLOGICAL SURVEY IN MAKING A TOPOGRAPHIC SURVEY AND MAP OF PORTO RICO AND MAKING AN APPROPRIATION THEREFOR.

Be it enacted by the Legislative Assembly of Porto Rico

SECTION 1:—(824)—That in order to effect the execution and speedy completion of a topographic survey and map of Porto Rico, the Governor is hereby authorized to confer with the Director of the United States Geological Survey and to accept the cooperation of the

United States, with Porto Rico in the execution of a topographic survey and map of Porto Rico, which is hereby authorized to be made; and that said Governor shall have the power to arrange with said Director or other authorized representative of the United States Geological Survey, concerning the details of said work, the method of its execution and the order in point of time, in which these surveys and maps of different parts of Porto Rico shall be completed; *Provided*, that the said Director of the United States Geological Survey shall agree to expend on the part of the United States upon said work, a sum equal to that hereby appropriated for this purpose. In arranging details heretofore referred to, the Governor shall, in addition to such other provisions as he may deem wise require that a geologic survey and an investigation of the mineral and water resources in accordance with the most approved methods be made also by the United States Geological Survey, and that the maps made shall show the outliness of all municipal districts, town and extensive wooded areas, as existing on the ground at the time of the execution of the survey; the location of all roads, streams, lagoons and rivers, and shall contain contour lines showing the elevation and depression for every twenty feet in vertical interval of the surface of the country that as each manuscript sheet of the map is completed, the Governor shall be furnished by the United States Geological Survey with photographic copies of the same, and as the engraving on each sheet is completed the Governor shall be furnished by said Director with transfers from the copper plates of the same.

SECTION 2.—(825)—That the sum of five thousand dollars or so much thereof as may be necessary, is hereby appropriated for the purposes specified in this Act

out of any moneys in the treasury not otherwise appropriated, to be paid by the Treasurer upon the warrant of the Auditor pursuant to the direction of the Governor.

SECTION 3.—(826)—That this Act shall take effect from and after its passage.

Approved, March 1, 1902.



POLITICAL CODE.

JOINT RESOLUTION.

JOINT RESOLUTION NO. 5. AS TO THE ENROLLMENT AND ENGROSSMENT OF THE POLITICAL, THE CIVIL, THE PENAL AND THE CRIMINAL PROCEDURE CODES REPORTED BY THE JOINT COMMITTEE OF THE LEGISLATIVE ASSEMBLY.

Be it resolved by the Executive Council and the House of Delegates of Porto Rico assembled in the Legislative Assembly:

That a printed copy respectively of the Civil Code the Political Code, the Penal Code and the Code of Criminal Procedure, reported by the Code Commission appointed under the Act, of 1901, as the same shall have been amended in the Legislative Assembly, with the said amendments indicated on the said printed copies in manuscript, type or pen writing, shall, if duly passed, be signed by the President of the Executive Council and the Speaker of the House of Delegates, and its shall not be necessary to enroll and engross the text of the said Act as amended, but the signatures of the presiding officers attached to a printed copy of the aforesaid acts, with the amendments indicated as aforesaid, shall have the same force and effect as though attached to an enrolled and engrossed copy, and the printed copy of each code signed as aforesaid shall, on receiving the approval of the Governor, be deemed and considered as the original and the duly enrolled enactments of the Political Code, the Civil Code, the Penal Code, and the Code of Criminal Procedure respectively.

Approved, March 1, 1902.

POLITICAL CODE

AN ACT TO ESTABLISH A POLITICAL CODE OF PORTO RICO.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—This Act shall be known as the Political Code of Porto Rico.

TITLE I.

JURISDICTION OVER PERSONS AND PROPERTY.

SECTION 2.—The executive, legislative and judicial departments as established by the Organic Act of Porto Rico, shall constitute the Government of Porto Rico.

SECTION 3.—The jurisdiction of the government of Porto Rico extends to all places within its boundaries as established by the Organic Act.

SECTION 4.—The government of Porto Rico has the following rights over persons within its limits, to be exercised in the cases and in the manner provided by law:

1. To punish for crime;
2. To imprison or confine for the protection of the public peace or health, or of individual life or safety;
3. To establish custody and restraint of persons suffering from mental alienation, of drunkards, and other persons of unsound mind;

4. To establish custody and restraint of paupers for the purpose of their maintenance;

5. To establish custody and restraint of minors unprovided for by parents or natural guardians, for the purposes of their education, reformation and maintenance;

6. To require services of persons, with or without compensation; in militia duty; in jury duty; as witnesses; as city, town or village officers; in maintaining the public peace; in enforcing the service of process; in protecting life and property from fire, pestilence, wreck and flood; and in such other cases as are provided by law.

SECTION 5.—The original and ultimate right to all property, real and personal, within the limits of Porto Rico, and not belonging to the United States is in the people thereof.

SECTION 6.—Whenever the title to any property fails for want of heirs, or next of kin, it reverts to the people of Porto Rico. All property within the limits of Porto Rico, which does not belong to any person belongs to the people of Porto Rico.

SECTION 7.—The government of Porto Rico or any civil division thereof may acquire property by taxation in the modes authorized by law.

SECTION 8.—The government of Porto Rico may acquire or authorize others to acquire title to property, real or personal, for public use in the cases and in the mode provided by law.

SECTION 9.—If any person, under any pretence of any claim inconsistent with the jurisdiction of the government of Porto Rico, intrudes upon any of the waste or ungranted lands of Porto Rico, the Fiscal (District Attorney) of the judicial district in which such lands

are situated must immediately report the same to the Governor, who shall direct the Attorney General to take such proceedings as may be necessary to remove the intruder. Title to insular lands shall not be acquired by adverse possession.

TITLE II.

CITIZENSHIP AND DOMICILIES.

SECTION 10.—The citizens of Porto Rico are:

1. All persons born in Porto Rico and subject to the jurisdiction thereof;
2. All persons born out of Porto Rico who are citizens of the United States and who have acquired domicile in Porto Rico;
3. All persons who were Spanish subjects and residing in Porto Rico on the eleventh day of April, eighteen hundred and ninety-nine, and who did not elect to preserve their allegiance to the Crown of Spain on or before the eleventh day of April, nineteen hundred, in accordance with the provisions of treaty of peace between the United States and Spain, entered into on the eleventh day of April, eighteen hundred and ninety-nine.

SECTION 11.—Every person has in law a domicile. In determining the place of domicile the following rules are to be observed:

1. It is the place where one habitually resides when not called elsewhere for labor or other special or temporary purpose, and to which he returns in seasons of repose.
2. There can only be one domicile.
3. With respect to the jurisdiction of the courts a domicile cannot be lost until another is gained.

4. The domicile of unemancipated minor children is the same as that of their father, and after his death, of their mother.

5. The domicile of the wife is presumptively the same as that of the husband.

6. The domicile of an unmarried minor subject to guardianship is the same as that of his tutor.

7. Domicile can be changed only by the union of act and intent.

TITLE III.

THE POLITICAL AND JUDICIAL DIVISIONS OF PORTO RICO.

SECTION 12.—In accordance with section twenty-eight of the Act of Congress of April twelfth, nineteen hundred, Porto Rico shall be divided by the Executive Council into seven election districts, composed of contiguous territory and as nearly equal as may be in population and each district shall be entitled to five members of the House of Delegates.

SECTION 13.—The judicial districts shall be constituted as follows:

The district of San Juan, which shall comprise the following municipios: San Juan, Vega Baja, Vega Alta, Corozal, Naranjito, Toa Alta, Toa Baja, Dorado, Bayamón, Rio Piedras, Trujillo Alto, Carolina, Rio Grande, Loiza and Comerio:

The district of Ponce, which shall comprise the following municipios: Ponce, Juana Díaz, Coamo, Barros, Adjuntas, Peñuelas, Guayanilla, Yauco, Santa Isabel, Aibonito and Barranquitas;

The district of Mayagüez, which shall comprise the following municipios: Mayagüez, Añasco, Rincon, Aguada, Aguadilla, Moca, Isabela, San Sebastian, Las

Marias, Maricao, San German, Sabana Grande, Lajas and Cabo Rojo.

The district of Arecibo which shall comprise the following municipios: Arecibo, Manatí, Morovis, Ciales, Barceloneta, Utuado, Hatillo, Camuy, Quebradillas and Lares;

The district of Humacao, which shall comprise the following municipios: Humacao, Piedras, Naguabo, Fajardo, Yabucoa, Maunabo, Juncos, Gurabo, San Lorenzo, Patillas, Vieques, Caguas, Aguas Buenas, Cayey, Cidra, Salinas, Guayama and Arroyo.

SECTION 14.—The seat of the Government of Porto Rico is at the city of San Juan.

TITLE IV.

THE LEGISLATIVE ASSEMBLY.

CHAPTER I.

THE LEGISLATIVE ASSEMBLY AND ITS OFFICERS.

SECTION 15.—The Legislative Assembly consists of:

1. The Executive Council, as established by Section 16 of the Act of Congress of April twelve, nineteen hundred.

2. The House of Delegates as established by Section 16 of the Act of Congress of April twelve, nineteen hundred.

SECTION 16.—The office of Delegate to the House of Delegates of Porto Rico, is hereby declared incompatible (1) with all public offices, the compensation attached to which is paid out of municipal, insular or federal funds, and (2) with all public offices, whether held by administrative appointment, or by popular election, which may have annexed to the same civil jurisdiction, exercising authority either individually or in a representative

capacity as a member of any board, corporation or other public body.

SECTION 17.—The salaries of the members of the Executive Council who are heads of executive departments, are such as determined by the Act of Congress of April twelfth, nineteen hundred, and the amendment of March second, nineteen hundred and one. The remaining five members shall each receive three thousand (3,000) dollars per annum.

SECTION 18.—In accordance with Section 29 of the Act of Congress of April twelfth, nineteen hundred, each member of the House of Delegates shall be paid for his services at the rate of five dollars per day for each day's attendance while the House is in session, and mileage at the rate of ten cents per mile for each mile necessarily traveled each way to and from each session of the Legislative Assembly.

SECTION 19.—The Legislative Assembly shall meet at the seat of government at ten o'clock A. M., on the second Monday of January, annually after the year nineteen hundred and two, and at other times when convened by the Governor in extraordinary session.

SECTION 20.—The certificate of election is prima facie evidence of the right to membership in the House of Delegates for all purposes of organization.

SECTION 21.—On the day and at the hour prescribed in Section 3 the Executive Council shall meet; and the members thereof shall present their oath of office. The Council may thereupon, if a quorum be present, proceed to elect its officers.

SECTION 22.—On the day and hour prescribed in Section 3 the Clerk of the House, or in his absence or disability, then the senior members-elect present, shall take the chair, call the members-elect of the House

of Delegates to order, and call over the roll of election districts, and as the same are called the members-elect must present their certificates and take the oath of office. The House of Delegates may thereupon, if a quorum be present, proceed to elect its officers.

SECTION 23.—The President and president pro tem of the Executive Council, and the Speaker and speaker pro tem of the House of Delegates, may administer the oath of office to any member of the Council or House of Delegates, and to the officers and employees of their respective bodies. The members of any committee may administer oaths to witnesses in any matter under examination. The officers and employees of each house must perform such duties as are required by the rules or orders of their respective bodies.

SECTION 24.—Any entry of the oath taken by the members of the Legislative Assembly must be made on the journals of the respective houses. The form of oath shall be as prescribed in Title VII of this Code.

SECTION 25.—At the hour of ten o'clock A. M. on the day following the day specified in Section 18 the Executive Council, and the House of Delegates shall meet in joint session. The President of the Executive Council, or in the case of his absence or disability, the Speaker of the House shall preside, and immediately inform the Governor that the Legislative Assembly is prepared to receive any message which he may see fit to deliver.

SECTION 26.—Whenever at the commencement, of or during the regular or extraordinary sessions of the Legislative Assembly, upon a call of either house it is found that no quorum of members is present, or if any member or members are found to be absent upon any such call, the members present are authorized to direct the sergeant-at-arms of such House, and in his absence,

then any other person, to compel the attendance of any or all of the absentees. If the House refuse to excuse such absentee, he is not entitled to any per diem during such absence, and is liable for the expenses incurred in procuring his attendance.

SECTION 27.—The journal of each house of the Legislative Assembly shall be authenticated by the signature of the presiding officer and respective Clerk thereof.

SECTION 28.—In all elections of officers of the Council and the House of Delegates a majority of all the votes cast is necessary to a choice.

SECTION 29.—The officers of each house shall be elected by a roll call vote of the members thereof, at such time after the meeting of each house as the members thereof shall deem proper, and they shall be required to take and subscribe the oath prescribed in Title VII of this Code.

SECTION 30.—It shall be competent at any time during a session of the Legislative Assembly for either house by a majority vote to remove from office any of its officer or employees, unless otherwise provided by law.

CHAPTER II.

ATTENDANCE AND EXAMINATION OF WITNESSES BEFORE THE LEGISLATIVE ASSEMBLY AND COMMITTEES THEREOF.

SECTION 31.—A subpoena requiring the attendance of any witness before either house of the Legislative Assembly, or a committee thereof, may be issued by the President of the Executive Council, the Speaker of the House, or the chairman of any committee before whom the attendance of the witness is desired; and it is sufficient if:

1. It states whether the proceeding is before the

House of Delegates, or the Executive Council, or a committee.

2. It is addressed to the witness.

3. It requires the attendance of such witness at a time and place certain.

4. It is signed by the President of the Executive Council, Speaker of the House or chairman of a committee.

SECTION 32.—The form of the subpoena shall be prescribed by the presiding officers of the respective houses of the Legislative Assembly, and may be served by any judicial officer or by any elector of Porto Rico; and the affidavit of the person so serving the subpoena that he has delivered a copy thereof to the witness is evidence of the service. There shall be paid to the witness as fees and for traveling expenses, the same amount that would be paid according to law to a witness under similar circumstances if summoned to attend a session of a District Court.

SECTION 33.—If any witness neglects or refuses to obey such subpoena, or appearing neglects or refuses to testify, the Executive Council or House of Delegates may, by resolution entered on the journal, commit him for contempt.

SECTION 34.—Any witness neglecting or refusing to attend in obedience to subpoena may be arrested by the sergeant-at-arms and brought before the Executive Council or House of Delegates. The only warrant or authority necessary to authorize such arrest is a copy of a resolution of the Council or House, signed by the President of the Council or Speaker of the House of Delegates, and countersigned by the respective Clerk.

SECTION 35.—No person sworn and examined before either house of the Legislative Assembly or any com-

mittee thereof may refuse to testify as to any (fact) or to produce any papers touching which he is examined for the reason that his testimony or the production of such paper may tend to disgrace him or render him infamous, or subject him to criminal prosecution; but no statement so made, or paper so produced by such witness shall be competent evidence in any criminal proceeding against him; *Provided*, however, that no witness examined as aforesaid shall be exempt from prosecution for perjury based on any false statement made by him on such examination.

CHAPTER III.

ENACTMENT, OPERATION AND PUBLICATION OF STATUTES.

SECTION 36.—Every bill must, as soon as delivered to the Governor, be endorsed substantially as follows: "This bill was received by the Governor this day of nineteen hundred and ." The endorsement must be signed by the private secretary of the Governor, or by the Governor himself.

SECTION 37.—When the Governor approves a bill he must set his name thereto, with the date of his approval and deposit the same in the office of the Secretary of Porto Rico.

SECTION 38.—When a bill has passed both houses of the Legislative Assembly, and is returned by the Gov-

ernor without his signature, and with his objections thereto, and upon reconsideration such bill pass both houses by a two thirds majority as provided for in Section 31 of the Act of Congress of April twelve, nineteen hundred, the bill must be authenticated as having become a law by a certificate endorsed on or attached to the bill, or endorsed or attached to the copy of the statement of objections, in the following form: "This bill having been returned by the Governor with his objections thereto, and after reconsideration having passed both houses by the two-thirds majority prescribed in Section 31 of the Act of Congress of April twelve, nineteen hundred, has become a law this day of A. D. ;" which endorsement, signed by the President of the Executive Council and the Speaker of the House of Delegates is a sufficient authentication thereof. Such bill or statement must then be delivered to the Governor, and by him must be deposited with the laws in the office of the Secretary of Porto Rico.

SECTION 39.—If, on the day the Governor desires to return a bill without his approval, and with his objections thereto, to the house in which it originated, that house has adjourned for the day (but not for the session), he may deliver the bill with his message to the presiding officer, secretary or Clerk, and if neither can be found upon reasonable search, then to any member of such house, and such delivery is as effectual as though returned in open session, if the Governor, on the first day the house is again in session, by message, notifies it of such delivery, and of the time when, and the person to whom, such delivery was made.

SECTION 40.—Every bill which has passed both houses of the Legislative Assembly, and has not been returned by the Governor within ten days (Sundays ex-

cepted), thereby becoming a law, shall be authenticated by the Governor causing the fact to be certified thereon by the Secretary of Porto Rico, substantially in the following form: "This bill having remained with the Governor ten days (Sundays excepted), and the Legislative Assembly being in session, it has become a law this day of A. D. , " which certificate must be signed by the Secretary of Porto Rico and deposited with the laws in his office.

SECTION 41.—Every statute, unless a different time is prescribed therein, takes effect from its passage.

SECTION 42.—Every joint resolution, unless a different time is prescribed therein, takes effect from its passage.

SECTION 43.—No Act or part of an Act, repealed by another Act of the Legislative Assembly, is revived by the repeal of the repealing Act without express words reviving such repealed Act or part of an Act.

SECTION 44.—The repeal of any law creating a criminal offense does not constitute á bar to the indictment or information and punishment of an act already committed in violation of the law so repealed unless the intention to bar such information and punishment is expressly declared in the repealing Act.

SECTION 45.—The Secretary of Porto Rico shall, at the close of each session of the Legislative Assembly, collate and cause to be printed, in Spanish and English all the Acts and resolutions passed during the session, together with the organic Act and the Act and resolutions of Congress amendatory thereof, and such other public laws and documents as he may deem appropriate. The statutes and documents so published shall be received as evidence in all the courts of the Island without further authentication. The Secretary of Por-

to Rico shall furthermore deliver copies of all laws and resolutions for publication to the Official Gazette.

SECTION 46.—Immediately after the laws, resolutions and other public documents are printed and bound, and within sixty days after the close of each session of the Legislative Assembly, the Secretary shall distribute the same as follows:

1. To the President of the United States, to the President of the Senate and to the Speaker of the House of Representatives, one copy each.

2. To each department of the government of Washington, one copy; to each department of the government of Porto Rico, four copies.

3. To the Library of Congress, and to the public and law libraries of Porto Rico, two copies each.

4. To each of the states, two copies.

5. To the Governor, to the Commissioner from Porto Rico to the United States, to the United States District Judge, to the Judges of the Supreme and District Courts, and to each prosecuting attorney, one copy each.

6. To the members of the Executive Council, the members of the House of Delegates, the Chief Clerk of the Executive Council, and to the Chief Clerk of the Assembly at the session when such laws and journals were adopted, one copy each.

7. To the insular normal school, and to such other literary and scientific institutions and to such nations and colonies as in his opinion, may secure an interchange of works, one copy.

8. Of the laws alone: To the police and municipal judges, to the clerks of municipal assemblies, and to such other insular officials as may be, in his opinion, entitled to receive the same, one copy.

SECTION 47.—The Secretary must indelibly mark each book distributed to the officials of Porto Rico, excepting the Governor and the legislative officers, with the name of the office to which, and the official designation of the officer to whom sent. Such books remain the property of the island, and must be, by the officers receiving them, delivered to their successors.

TITLE V.

EXECUTIVE OFFICERS.

CHAPTER I.

THE GOVERNOR.

SECTION 48.—The Governor shall have the powers and perform the duties prescribed in this and the following sections:

1. He may grant pardons and reprieves, remit fines and forfeitures for offenses against the laws of Porto Rico, and respites for offenses against the laws of the United States, until the decision of the President can be ascertained.

2. He shall commission all officers that the may be authorized to appoint.

3. He may veto any legislation enacted, as provided in Title IV, Chap. III, of this Code.

4. He shall be commander-in-chief of the militia.

5. He shall at all times faithfully execute the laws.

6. He shall annually and at such other times as may be required, make official report of the transations of the government in Porto Rico, through the Secretary of State, to the President of the United States.

7. He shall supervise the official conduct of all executive and ministerial officers.

8. He shall see that offices are filled and the duties thereof performed, or, in default thereof, apply such remedy as the law allows, and if the remedy is imperfect, acquaint the Legislative Assembly therewith at its next session.

9. He shall make the appointments and fill the vacancies as required by law.

10. Whenever any suit or legal proceeding is pending against Porto Rico, or which may affect the title of the island to any property, or which may result in any claim against Porto Rico, he may direct the Attorney General to appear on behalf of the government of Porto Rico, and may employ such additional counsel as he may judge expedient.

11. He may require the Attorney General or the Fiscal (District Attorney) of any judicial district to inquire into the affairs or management of any corporation existing under the laws of Porto Rico.

12. He may require the Attorney General to aid any Fiscal (District Attorney) in the discharge of his duties.

13. He may offer rewards not exceeding one thousand dollars each for the apprehension of any convict who has escaped from the penitentiary (presidio), or any person who has committed or is charged with an offense punishable by death. He shall sign all death warrants.

14. He must perform such duties respecting fugitives from justice as are prescribed by the Code of Criminal Procedure.

15. He must issue and transmit election proclamations.

16. He shall enjoy such other powers and must perform such other duties as are devolved upon him

by the laws of the United States, the provisions of this Code or any other law of Porto Rico.

SECTION 49.—The Governor shall, at the commencement of each session, give to the Legislative Assembly information by message, of the condition of the island, and shall recommend such measures as he shall deem expedient.

SECTION 50.—The Governor may, on extraordinary occasions, convene the Legislative Assembly by proclamation, stating therein the purpose for which they are convened; and the Legislative Assembly shall enter upon no business except that for which they are called together, and such matters as are specified in the proclamation, or which may be recommended by the Governor; but they may provide for the expenses of the session and other matters incidental thereto. He may also convene the Executive Council at any time for the transaction of executive business.

SECTION 51.—In case of a disagreement between the House of Delegates and the Executive Council, with respect to the time of adjournment, the Governor may, on the same being certified to him by the house first moving the adjournment, adjourn the Legislative Assembly to such time as he thinks proper, not beyond the first day of the next regular session.

SECTION 52.—The Governor shall nominate, and by and with the advice and consent of the Executive Council appoint all officers whose offices are established by this Code, or which may be created by law and whose appointment or election is not otherwise provided for.

SECTION 53.—The Governor shall have power to remove any officer whom he may appoint, and he may declare the office vacant and fill the same in the manner provided by law.

SECTION 54.—The Governor shall cause to be kept the following records:

1.—A register of all applications for pardons, reprieves or for commutation of any sentence, with a list of the official signatures and recommendations in favor of each application.

2.—An account of all his official expenses and disbursements, including the incidental expenses of his department, and of all rewards offered or paid by him for the apprehension of criminals and persons charged with crime.

3.—A register of all appointments made by him, with date of commission, name of appointee and predecessor.

CHAPTER II.

THE SECRETARY OF PORTO RICO

SECTION 55.—The Secretary of Porto Rico shall promulgate all proclamations and orders of the Governor and all laws enacted by the Legislative Assembly.

SECTION 56.—The Secretary shall record and preserve:—

(a) Minutes of the proceedings of the Executive Council.

(b) The acts and resolutions passed by the Legislative Assembly.

(c) All acts and proceedings of the Governor.

(d) All books, records, deeds, parchments, maps and papers kept on deposit in his office pursuant to law.

(e) The great seal of Porto Rico.

SECTION 57.—In case of death, removal, resignation, or disability of the Governor, or of his temporary absence from Porto Rico, the Secretary shall exercise all the

powers and perform all the duties of the Governor during such vacancy, disability or absence; and all provisions of law in relations to the powers and duties of the Governor, and in relation to the acts and duties to be performed by others towards him extend to the Secretary while performing the duties of the Governor.

SECTION 58.—In addition to the duties prescribed in the foregoing, it is the duty of the Secretary:

1. To receive bills and resolutions of the Legislative Assembly and preserve the same and to perform such other duties as may be devolved upon him by resolution of the two houses, or either of them.

2. To affix the great seal, with his attestation, to commissions and pardons and other public instruments, to which the official signature of the Governor is required.

3. To record in proper books all conveyances made to the people of Porto Rico and all articles of incorporation filed in his office.

4. To record in proper books all changes of names.

5. To take and file in his office receipts for all books distributed by him.

6. To furnish, on demand, to any person paying the fees therefor, a certified copy of all or any part of any law, public record or instrument filed, deposited or recorded in his office, provided the issuing of such copy shall not be prejudicial to public interests.

7. To cause to be printed, at the earliest date practicable after the final adjournment of each session of the Legislative Assembly, all laws and resolutions passed or adopted at such session, and to distribute the same in accordance with the provisions of Section 46, Chapter III, Title IV, of this Code.

8. To file in his office descriptions of seals in use

by the different insular officers and municipalities and furnish such officers, except municipal officers, with new seals whenever required at the actual cost therefor.

9. He shall annually, and at such other times as may be required, make official report of the transactions of his office to the Governor of Porto Rico.

10. To record in a proper book a register of all associations.

11. To issue certificates for all patents filed and registered, and to record such patents in proper books.

12. To keep a register of all duly accredited consuls and other official representatives from foreign nations to Porto Rico, with the date of their official recognition as such by the President of the United States.

SECTION 59.—The Secretary, for services performed in his office, must charge and collect the following fees, which in all cases must be paid in internal revenue stamps, affixing the stamps to the documents and cancelling the same.

1.—For a copy of any law, resolution, record or other document or paper on file in his office, twenty cents per folio.

2.—For affixing certificate and seal of the island, one dollar.

3.—For receiving and filing each certificate of incorporation of any company or corporation, foreign or domestic, he shall charge and collect the sum of fifteen cents on each one thousand dollars of capital stock; *Provided*, however, that no company or corporation shall be required to pay a fee in excess of five hundred dollars (\$500) for filing its articles of incorporation; *Provided*, further, that whenever the capital stock of any corporation be increased, and a certificate thereof shall be filed with the Secretary of Porto Rico, he shall

charge and collect the sum of fifteen cents on each one thousand dollars of such increase up to the said sum of five hundred dollars (\$500), including the amount paid for the original filing; *Provided*, further, that no fee shall be collected for filing articles of incorporation of any charitable, religious or educational institution.

4.—For recording articles of incorporation, twenty cents per folio.

3.—For issuing each certificate of corporate existence, three dollars.

6.—For each passport, or other document signed by Governor and attested by the Secretary (pardons, military and civil commissions and extradition papers excepted), one dollar.

7.—For each patent for land issued by the Governor, if for sixty hectares or less, one dollar; and for each additional sixty hectares or fraction thereof, one dollar.

8.—For searching records and archives of the island in his office, reasonable compensation for the time actually employed.

9.—For filing and recording notice of appointment of agent, five dollars.

10.—For filing and recording notice of removal of place of business, five dollars.

11.—For filing certificate of increase of capital stock, five dollars, in addition to the fee provided for increase of stock.

12.—For issuing certificate of increase or decrease of capital stock, five dollars.

13.—For filing certificate of continuance of existence, three dollars.

14.—For issuing certificate of continuance of existence, three dollars.

15.—For certificate of appointment, qualification and term of office of notary public, one dollar.

16.—For registering articles of association (excepting religious, fraternal, or benevolent), two dollars.

17.—For recording miscellaneous documents or papers, per folio, twenty-five cents.

18.—For registering certificates and issuing certificate of registering of U. S. patent, trade mark, print label or copyright, two dollars.

SECTION 60.—No member of the Legislative Assembly or insular officer shall be charged for any search relative to matters pertaining to the duties of their offices; nor in such case shall they be charged any fee for a certified copy of any law or resolution passed by the Legislative Assembly.

SECTION 61.—The Secretary of Porto Rico shall present to the Governor on or before the first day of October of each year a full report of all expenditures of his office, together with such statements, explanations and facts concerning the condition of his department as he may deem appropriate.

SECTION 62.—All provisions contained in any decree, ordinance, military order or law existing or in force at the time of the passage of this Act, which define or prescribe any additional power or duty to be assumed or performed by the Secretary of Porto Rico, and not inconsistent or in conflict with the powers and duties herein prescribed, are hereby declared to be and continue in full force and effect, and shall not be in any way repealed or modified hereby.

CHAPTER III.

THE ATTORNEY GENERAL.

SECTION 63.—The Attorney General shall give his opinion in writing to the Legislative Assembly, or to either house thereof, and to the Governor or Secretary, the Auditor, the Treasurer, the Commissioner of the Interior, the Commissioner of Education, when requested, upon any question of law relating to their respective offices.

SECTION 64.—The Attorney General shall represent the People of Porto Rico in all suits and proceedings, civil and criminal, to which it is a party; in civil proceedings he shall have the sole representation before the insular courts of the People of Porto Rico, and of any officer, employee or agent of the insular government suing or being sued in his official capacity, *Provided*, however, that public prosecutions for crimes, except as hereinafter provided in Section 74, shall be conducted by the fiscal of the proper court without special authority from the Attorney General; but in all such cases the Attorney General may intervene in the public interest.

SECTION 65.—The Attorney General shall supervise the administrative affairs of the courts of the island; the appointment and removal of secretaries, clerks, and other officials and employees shall not become effective until approved by him; the accounts by secretaries and other officials of moneys disbursed, including fees, to witnesses, jurors, medical and other experts, shall be submitted to the Attorney General for his approval after they have first been approved by the presiding judge of the court. Upon the request of the Attorney General the several courts of the island shall render general re-

ports relating to the business disposed of and pending, and such other reports as may be requested relating to their internal administration of affairs. The Attorney General may establish general rules for the formation by the courts of separate calendars of criminal and civil cases and for the prompt disposal thereof.

SECTION 66.—The Attorney General may appoint two Assistant Attorneys General who, under his direction shall aid him in his official duties, and one of whom shall attend the Supreme Court as the Fiscal thereof.

SECTION 67.—The Attorney General may, when in his judgment the interests of the island require it, institute and conduct proceedings against persons who intrude on the lands, rights, or property of the island, or commit or erect any nuisance thereon.

SECTION 68.—The Attorney General shall, after judgment in any of the causes referred to in the preceding Section, direct the issuing of such process as may be necessary to carry the same into execution.

SECTION 69.—It shall be the duty of the Fiscal of the Supreme Court to render to the Attorney General such assistance and perform such duties as the latter may from time to time require. The Fiscals of the District Courts shall be under the administrative supervision of the Attorney General in all matters pertaining to their respective offices, and shall render such reports and perform such duties as the Attorney General from time to time may require.

SECTION 70.—The Attorney General shall enforce the due application of funds given or appropriated to public charities within the island, and prevent breaches of trust in the distribution thereof.

SECTION 71.—The Attorney General shall, when necessary, prosecute corporations which fail to pay the

fees or make the returns and reports to the public authorities required by law.

SECTION 72.—The Attorney General shall bid upon and purchase in the name of the People of Porto Rico and under the direction of the Executive Council, any property offered for sale under execution issued upon judgments in suits prosecuted by him and to enter satisfaction, in whole or in part, of such judgment as the consideration of such purchase.

SECTION 73.—The Attorney General shall institute investigations for the discovery of all real and personal property which may have escheated or shall escheat to the People of Porto Rico, or in and to which it has any other claim of title; and for that purpose the Attorney General shall have the power to cite any and all persons before any of the District Courts of Porto Rico to answer investigations and render accounts concerning said property, real or personal, and to examine all books and papers of any and all corporations.

When any real or personal property is discovered which should escheat to The People of Porto Rico, the Attorney General must institute suit in the competent court of the district in which said property shall be situated, for the recovery, to escheat the same to the People of Porto Rico.

SECTION 74.—The Attorney General shall prepare and present to the Supreme Court, through the Fiscal thereof, articles of impeachment against any Judge or fiscal of an insular court (except a Justice of a (the) Supreme Court), against whom he may receive charges of corruption or malfeasance in office or of immoral conduct unbecoming his position, when the charges, in his judgment, are well founded and are of a character requiring such action; in case of official misconduct on

the part of any other officer or employee of the Insular Government, he shall file an information before the proper tribunal and prosecute the same. He shall direct the prosecution of such cases either in person or through the Assistant Attorney General, or, in case of necessity may appoint special counsel.

SECTION 75.—The Attorney General shall have jurisdiction and supervision of the Director of Prisons, and of the penal institutions of the island.

SECTION 76.—The Attorney General shall investigate and report upon all applications for pardon submitted to him by the Governor for that purpose, and the courts shall, when requested, report to the Attorney General in relation to the sentence and antecedents of any such applicant.

SECTION 77.—(1) The Attorney General shall on or before the first day of October of each year report to the Governor on the condition of affairs of his Department, and accompany the same with the report received by him from the District Attorneys (Fiscals). The report shall contain such other information in relation to the laws of Porto Rico and such observations and statements, as in his opinion the criminal and civil jurisprudence and the proper and economic administration of justice may warrant and require. (2) The Attorney General shall publish in the Spanish and English languages all written opinions delivered by him which he shall deem of general interest in connection with the interpretation of the laws. A copy of such printed opinions shall be sent to each member of the Legislative Assembly, to the Governor and to each head of the executive departments; to all Judges of the island and to each of the alcaldes; and copies thereof shall be sold at actual cost to purchasers.

SECTION 78.—All provisions contained in any ordinance, military order, regulations or law, existing and in force at the time of the enactment of this chapter, which specifically define and prescribe additional powers and duties of the Attorney General, or any part thereof not inconsistent or in conflict with the provisions of this chapter, and not superseded or repealed thereby, are hereby continued and preserved in full force and effect.

CHAPTER IV.

THE TREASURER.

SECTION 79.—The duties of the Treasurer and his official bond and the salary of the office shall be in accordance with the Organic Act of the Congress of the United States, approved April twelve, nineteen hundred.

And subject to the provisions of said Act the specific duties of the Treasurer shall be as prescribed in this chapter.

SECTION 80.—The Treasurer shall receive and safely keep all revenues of the insular government, from whatever source derived, all moneys belonging to the People of Porto Rico, and all trust funds and special deposits, and shall keep a properly detailed account thereof in permanent books of record, in which all such receipts and deposits shall be entered under appropriate heads, with the names of the agents, officers and persons from whom received and the dates of receipt.

SECTION 81.—Except where otherwise specially authorized by law, all revenues and fees collected, and receipts from all sources, which belong to the People of Porto Rico or pertain to the insular treasury, shall be deposited in full with the Treasurer without any deduction.

SECTION 82.—The Treasurer shall issue receipts in duplicate for all moneys received by him, in the name of the person for whose account the deposit or payment is made, which receipts shall be signed by the Treasurer and numbered consecutively, shall bear the date on which the deposit is received by the Treasurer and show on what account the money is paid. The Treasurer shall cause proper entry to be made of all receipts issued by him, in permanent books of record to be kept in his office, under the appropriate heads, with the names of the officers, agents or persons from whom received, and the numbers and dates of the respective receipts.

SECTION 83.—All receipts, original and duplicate, issued by the Treasurer shall be duly registered and countersigned by the Auditor, without which they shall be invalid, and for this purpose the Treasurer shall, immediately upon issuing and signing each receipt in duplicate, and after the proper entry thereof has been made in his office, transmit both the original and the duplicate receipt to (the) Auditor.

SECTION 84.—The Treasurer shall pay out the public moneys, trust funds, and special deposits, in his custody upon warrants issued by the Auditor and countersigned by the Governor, and not otherwise. Payments of warrants shall be made by drafts of the Treasurer issued thereon, drawn upon the proper depositaries for insular revenues and funds, in favor of the payees of the respective warrants. Such drafts shall be signed by the Treasurer, numbered consecutively, and bear date of issue. The number, date and class of the warrant on which each draft is drawn shall be noted upon its face. The Treasurer shall indorse upon the face of each warrant the number and date of the draft issued thereon,

and when delivered to the payee, he shall receipt therefor upon the warrant; when mailed to the payee the date of mailing shall be indorsed upon the warrant. When any draft has been paid and returned to the Treasurer properly indorsed, it shall be attached to the warrant on which it was drawn, and such warrant and draft shall constitute the evidence upon which the Treasurer shall receive credit for the payment.

SECTION 85.—No indorsement of any draft of the Treasurer by an attorney in fact or agent of the payee of such draft, shall be valid unless specially authorized by a power of attorney duly executed by the payee, or, in case of his death, by his duly appointed executor or administrator, after the issuance of the draft, in the presence of two subscribing witnesses, and duly acknowledged before a notary public or any officer having authority to take acknowledgements of deeds. Such power of attorney must recite the number, date and amount of the draft, and the number and class of the warrant on which such draft is drawn, and must be filed with the draft.

Indorsements by the payee in person must be written by him and correspond with the name of the payee as written on the face of the draft. If the payee is unable to write his name upon the draft, the indorsement may be by his cross-mark made thereon in the presence of two attesting witnesses who shall subscribe their names as witnesses. When the draft is payable to a firm or partnership, it must be indorsed in the name of such firm or partnership by a member thereof; when payable to a company or corporation, the draft must be indorsed by the officer or agent of such company or corporation duly authorized to receive, receipt and indorse in its behalf.

In case of the death of the payee of any draft issued by the Treasurer, the executor or administrator of the decedent, appointed by the proper court, shall have authority to indorse such draft; and in case of the bankruptcy or insolvency of such payee, his assignee, trustee, or the receiver of his estate, duly appointed by a competent court, shall have authority to indorse. Where the payee of any such draft is unable to indorse the same by reason of lunacy or mental incapacity, his guardian or committee appointed by the proper court shall have authority to indorse. And in case of the absence of the payee from Porto Rico, and during such absence only, his agent or attorney duly authorized by power of attorney specially empowering such agent or attorney to transact all business of the principal with the insular government, and to collect and receive all moneys due to the principal by the People of Porto Rico, during such absence, shall have authority to indorse.

The Treasurer shall require satisfactory evidence as to the authority for any indorsement to be filed with the draft before accepting such indorsement as sufficient, in order that the warrant and draft may be allowed in the settlement of his account by the Auditor.

SECTION 86.—The authority for issuing a duplicate draft by the Treasurer, in the event of the non-receipt or loss of the original draft issued upon a warrant, shall be the recommendation of the Auditor and the approval of the Governor, indorsed over their official signatures, upon the warrant on which the original draft was issued.

Upon receipt by the Treasurer of competent and satisfactory proof of the non-receipt or loss of any draft issued by him, with request that payment of the same be stopped, he shall direct the depositary upon whom

such draft was drawn to stop payment. Except in the case of bonded disbursing officers, the Treasurer shall require the owner of the draft, making application for a duplicate in lieu of the original not received or lost, to file an indemnifying bond in such amount as the Treasurer shall fix not less than the amount of the original draft nor more than double its amount. Such bond shall be approved by the Auditor as to form and execution and by the Treasurer as to sufficiency of sureties and shall be filed in the Treasurer's office. When the amount of the original draft is five dollars or less, the Treasurer may waive the requirement of the indemnifying bond.

After the expiration of forty-five days from the date of the original draft, the Treasurer shall transmit to the Auditor the proofs as to the non-receipt or loss of the original draft and the application for a duplicate, together with a certificate of the Treasurer, showing that payment of the original draft has been stopped and that a satisfactory bond of indemnity has been filed or that the requirement for such bond has been waived by him as herein provided. Such certificate of the Treasurer shall give the number, date, amount and class of the warrant, the number and date of the original draft and the name of the payee thereof, and shall request authority for the issuing of a duplicate draft.

The Auditor shall thereupon examine the proofs and papers submitted, and if found satisfactory, indorse his recommendation upon the warrant as herein provided, and transmit the same with said proofs and papers attached, to the Governor for his approval. When approved by the Governor, the warrant shall be transmitted to the Treasurer for the issuing of a duplicate draft thereon.

In case the *bona fide* owner of a lost draft is other than the original payee, and has received the same, before its loss, by indorsement for value, the duplicate draft issued by the Treasurer shall be in favor of the original payee, and shall bear an indorsement by the Auditor countersigned by the Governor providing that Treasurer shall receive credit therefor upon the indorsement of such *bona fide* owner.

In the event of the recovery of the original draft after the issue of a duplicate, it shall be forwarded to the Treasurer of Porto Rico for cancellation and filing with the bond of indemnity.

(a) TREASURER'S DRAFTS.

SECTION 87.—At the close of each fiscal year, or as soon thereafter as possible, the Treasurer shall prepare and certify a list, in duplicate, of all drafts issued by him, upon warrants as herein provided, which have for two years, or more, remained outstanding, unsatisfied and unpaid. Such list shall give the number, date and amount of each draft, so outstanding, the name of the payee, and his address when known, and the number, date and amount, and class of the warrant upon which the same was drawn. The duplicate certified list shall be filed in the Treasurer's office, and the original list shall be transmitted to the Auditor together with the warrants on which the outstanding drafts in said list contained were drawn. The Auditor shall thereupon verify said list, and issue a covering warrant for the amount thereof, for covering back said amount on the books of the Auditor and Treasurer, to the credit of a trust fund account to be denominated Outstanding Liabilities; which shall remain as a permanent appropriated fund for the payment of all such outstanding drafts. The covering warrant so issued by the Auditor

shall be countersigned by the Governor, and shall have attached to it the list of outstanding drafts certified by the Treasurer and the warrants on which said drafts were drawn. In the rendition of his account of receipts and expenditures next succeeding the issuance of such covering warrant, the Treasurer shall make proper entries therein by debiting to the People of Porto Rico the amount of the outstanding drafts and warrants embraced in the covering warrant, and crediting the amount covered back into the treasury to Outstanding Liabilities. He shall file with such account the covering warrants with the list of outstanding drafts and the warrants on which the same were drawn.

The Auditor shall cause proper entries to be made in the personal ledgers of his office, by crediting therein to each payee named in said list of outstanding and unpaid drafts, the amount of the draft payable to his order, with its number and date, and the number, date and class of the warrant on which the draft was drawn.

(b) CHECKS OF DISBURSING OFFICERS.

It shall be the duty of every disbursing officer of the insular government, at the close of each fiscal year, or as soon thereafter as possible, to make out and certify, in duplicate, a complete and correct list of all checks, drawn by him in his official capacity in favor of public creditors, which have for two years or more, remained outstanding, unsatisfied and unpaid. The number, date and amount of each check must be given in said list, the name of the bank or depositary on which the same was drawn, the name of the payee, and his address when known, the number of the voucher paid by the check, and the account to which such voucher pertains with the period thereof. It shall be the duty of the Auditor to verify each list, in duplicate, so received by him, by

comparing the same with the accounts and vouchers of the disbursing officer by whom such list was prepared. One list shall be retained in the Auditor's office, and the other, certified as correct by the Auditor, shall be transmitted to the Treasurer, who shall thereupon direct the bank or depositary on which the outstanding checks specified in said list were drawn, to stop payment thereof. Such bank or depositary shall, upon receipt of such notice from the Treasurer, be required to deposit the total amount of the outstanding checks embraced in said list, with the Treasurer of Porto Rico, or to his credit, as a deposit of disbursing funds, on account of Outstanding Liabilities, in favor of the respective payees of the outstanding checks specified in the list, charging the amount to the official account of the disbursing officer by whom such checks were drawn. The Treasurer shall issue receipts in duplicate in favor of each of the respective payees of such outstanding checks, as a deposit to the credit of the trust fund account denominated Outstanding Liabilities, noting on the face of each receipt the number and date of the outstanding check and the name of the disbursing officer by whom drawn.

The Auditor, after countersigning such receipts of the Treasurer, shall in each case retain both the original and duplicate in his office, until settlement be made, as hereinafter provided, in favor of the owner of any outstanding check, when the duplicate receipt corresponding with such outstanding check shall be filed with the settlement.

The Auditor shall cause proper entries to be made in the personal ledgers of his office, by crediting therein to each payee named in the lists of outstanding checks the amount of the check payable to his order, with the number and date thereof, by what disbursing officer

drawn, and the number and date of the Treasurer's receipt corresponding therewith.

SECTION 88.—The payee or bona fide holder of any draft of the Treasurer of Porto Rico or any check of a disbursing officer which has been covered into the insular treasury or deposited therein to the credit of the trust fund account known as Outstanding Liabilities, pursuant to the preceding sections shall on presenting to the Auditor of Porto Rico, accompanied with competent and proper proof of ownership, be entitled to have it paid by the settlement of an account by the Auditor and the issuing of a warrant thereon in his favor, according to the practice in other cases of authorized and liquidated claims against the People of Porto Rico.

In every case where the draft or check for which payment is demanded is not presented with the claim, its non-production or loss must be satisfactorily accounted for by competent evidence, and an indemnifying bond in double the amount of such check shall be required.

SECTION 89.—The Treasurer shall render monthly accounts with the People of Porto Rico of the receipts and expenditures pertaining to his office and submit the same to the Auditor for examination and settlement, not later than twenty-five days after the expiration of each month.

In rendering each monthly account the Treasurer shall credit to the People of Porto Rico the balance in his hands at the period to which his preceding monthly account was rendered, and all moneys received by him, from all sources, during the period covered by his account, corresponding with the amounts for which he has issued receipts in duplicate during such period,

arranging the credits under the appropriate funds and heads of account. He shall transmit with his account proper abstracts showing in detail the amounts received under each fund and head of account, and giving the numbers and dates of the receipts issued therefor.

He shall debit to the People of Porto Rico, all warrants fully paid and discharged during the period covered by his account, under the proper funds or heads of account, and furnish therewith proper abstracts showing in detail the amounts paid under each head, giving the number, date and class of each warrant paid and discharged, which warrants with the drafts issued thereon, paid and properly indorsed, shall be transmitted with his account to the Auditor.

Warrants not paid and discharged, on which the drafts issued in payments thereof are outstanding shall be retained in the Treasurer's office until the drafts corresponding with the same shall have been received duly paid and properly indorsed, when they shall be attached to the warrants to which they pertain, and such warrants shall then be charged in the Treasurer's account for the month in which such drafts were received by him, and transmitted with said account to the Auditor.

In the case of drafts covered into the treasury to the credit of outstanding liabilities the warrants shall take the course hereinbefore provided.

SECTION 90.—The Treasurer shall, as special disbursing agent, disburse such appropriations provided by law, for any bureau or office of the insular government, as have been or may be assigned to him for disbursement by order of the Governor.

In case of the death, removal or resignation, or temporary disability of the disbursing officer of any de-

partment, office or bureau of the insular government, the Treasurer may, by order of the Governor, disburse, as special disbursing agent, for such department, office or bureau, until such vacancy shall be filled, or such disability shall cease.

In all such cases, the Treasurer shall make monthly requisitions and render monthly accounts therefor, as special disbursing agent, to the Auditor, in accordance with the law applicable to disbursing officers.

SECTION 91.—The bond of the Treasurer required by Section 22 of the Act of Congress, approved April 12, 1900, shall be filed with the Secretary of Porto Rico. The Treasurer shall be the custodian of all other bonds required of disbursing officers, revenue officers and other officials of the insular government required to give bond, and such bonds before acceptance and filing in the Treasurer's office must be approved by the Auditor as to form and execution, and by the Treasurer as to sufficiency of sureties.

The Treasurer shall furnish to the Auditor, at his request, copies of any bonds on file in the Treasurer's office, certified under the seal (of) his office, for official use or for purposes of suit.

SECTION 92.—In addition to the specific duties and powers herein prescribed, the Treasurer shall also perform and exercise all the duties and powers required of and conferred upon him by existing law and by ordinances, military orders and regulations still in force, with respect to the internal revenue system of the insular government the assessment and collection of taxes, and the financial affairs of municipalities. And for this purpose he shall have authority to issue all necessary rules and regulations.

SECTION 93.—In addition to the reports required of

the Treasurer by Section 22 of the Act of Congress approved April 12, 1900, he shall make such further reports to the Governor as he may from time to time require.

SECTION 94.—The Treasurer shall have and keep an official seal, to be used in authenticating documents and papers certified and signed by him, by impressing the same thereon. The seal heretofore used by the Treasurer of Porto Rico shall be the seal of his office unless a new seal be adopted in accordance with the provision of Title VII of this Code.

SECTION 95.—The books, records and office of the Treasurer shall be at all times subject to the inspection of the Governor and the Legislative Assembly of Porto Rico, and by any committee appointed to examine them by either house thereof.

SECTION 96.—There shall be in the office of the Treasurer of Porto Rico an Assistant Treasurer, who shall be appointed by the Treasurer and whose salary shall be as fixed by the Executive Council in accordance with the provisions of the Organic Act of the Congress of the United States, approved April 12, 1900.

The Assistant Treasurer shall perform such duties as may be assigned to him by the Treasurer.

In case of the temporary absence or disability of the Treasurer, the Assistant Treasurer shall, in the discretion of the Treasurer, and with his consent, act in his place, and exercise all the powers and perform all the duties of the Treasurer, as acting Treasurer, during such absence or disability.

In case of the death, resignation or removal of the Treasurer, the Assistant Treasurer shall exercise all the powers and perform all the duties of the Treasurer, as acting Treasurer, during such vacancy *Provided*: That the Assistant Treasurer shall first ex-

ecute and file a bond to cover his official responsibility as acting Treasurer, during such vacancy in the office of the Treasurer, in such amount as shall be fixed by the Executive Council, such bond to be approved in the manner provided by law for the approval of the bond of the Treasurer.

SECTION 97.—All provisions contained in any ordinance, military order, regulation or law, in force and effect at the time of the enactment of this chapter, which specifically define and prescribe the incidental powers and duties of the Treasurer, or any part thereof, not inconsistent or in conflict with the provisions of this chapter, and not superseded or repealed thereby, are hereby continued and preserved in full force and effect.

CHAPTER V.

THE AUDITOR.

SECTION 98.—The duties of the Auditor of Porto Rico shall be in accordance with the Organic Act of the Congress of the United States, approved April twelfth, nineteen hundred. Subject to the provisions of said Act, the specific duties of the Auditor shall be as prescribed in this chapter.

SECTION 99.—The Auditor shall receive and countersign all receipts issued by the Treasurer of Porto Rico for moneys paid to or deposited with him or deposited to his credit pursuant to his authority, and cause proper entry thereof to be made in permanent books of record to be kept in his office, under the appropriate heads, with the names of the officers, agents and persons from whom received, and the numbers and dates of the respective receipts. Such receipts must be issued in duplicate, and shall not be valid until countersigned by the Auditor.

When so countersigned, the originals shall be retained in the Auditor's office, to be used as the necessary check in the examination of the Treasurer's general accounts of receipts and expenditures, and to be filed therewith as the authority for charging the Treasurer with the moneys received by him. The duplicates shall be delivered or transmitted by the Auditor to the respective persons by whom the deposits were made. Officers, agents or persons claiming credit for deposits with the Treasurer, shall file with their accounts such duplicate receipts for the amounts respectively deposited. In case of the loss of any duplicate receipt, the Auditor shall, upon proper application, furnish a certified copy of the original.

SECTION 100.—The Auditor shall receive, examine and certify to the Governor for his approval, every requisition for an advance of money from the insular treasury and state in his certificate thereon the amount of the bond of the disbursing officer making the requisition and the balance due on his accounts as shown by the Auditor's books. When approved by the Governor, the requisition shall be returned to the Auditor for the issuing of the proper warrant thereon, and without the approval of the Governor indorsed upon the requisition no advance of public money shall be made. Requisitions shall be made monthly by the proper disbursing officers for such amounts as may be needed for the expenditures of the respective departments, bureaus and offices of the insular government for the period of one month. Requisitions must be addressed to the Auditor and transmitted to him as soon as may be within the month for which the advances are required and not later than the twenty-fifth day of such month. Each requisition must be signed by the proper disbursing offi-

cer and bear the written approval of the head of the department, office or bureau to which the expenditures pertain, and be duly itemized under each head or title of appropriation or fund, on account of which an advance of money is required.

SECTION 101.—No requisition shall be certified by the Auditor or approved by the Governor, nor shall any warrant thereon be issued in excess of the specific appropriations provided by law, or for a sum in excess of the specific trust fund which is drawn upon.

SECTION 102.—The Auditor shall issue and sign all warrants for the payment of money from the insular treasury, which may be authorized by law, and cause the same to be numbered consecutively, according to their respective classes, registered and posted in proper books of entry, after which they shall be transmitted to the Governor of Porto Rico to be countersigned by him.

SECTION 103.—Warrants issued on requisitions for advances of money from the treasury shall be denominated accountable warrants, and shall be charged on the Auditor's books to the respective officers or agents receiving such advances, who shall be required to account for the same monthly.

SECTION 104.—Warrants issued in payment of claims or accounts which have been examined, settled and certified for payment by the Auditor, shall be denominated settlement warrants. The authority for issuing a settlement warrant shall be a duly certified copy of the Auditor's statement and certificate on any claim or account which has been so certified for payment.

SECTION 105.—All warrants issued for the payment of money shall show upon their face the respective appropriations or funds from which they are payable, and the amount chargeable to each appropriation or fund,

and shall be posted in appropriation ledgers to the debit of the proper appropriation or fund to be charged. In the case of annual appropriations made specifically for the service of any fiscal year, the fiscal year for which such appropriations are made shall be stated on each warrant and so charged in the appropriation ledgers.

SECTION 106.—Appropriation warrants duly issued by the Auditor, and countersigned by the Governor, shall constitute the authority for crediting in appropriate ledgers to the proper appropriations or funds the respective amounts appropriated or authorized by law. Annual appropriations for the specific service of any fiscal year shall be kept separately under the head of the fiscal year for which they are by law provided.

SECTION 107.—Necessary transfers of appropriations or funds, when authorized by law, shall be effected by transfer warrants issued by the Auditor and countersigned by the Governor.

SECTION 108.—The amounts of outstanding drafts of the Treasurer, which may be authorized by law to be covered back into the insular treasury as outstanding liabilities, and all other amounts which may be lawfully covered back into the treasury, shall be so covered by means of covering warrants issued by the Auditor and countersigned by the Governor.

SECTION 109.—All annual appropriations made specifically for the services of any fiscal year shall be applied only to the payment of expenses properly incurred within that fiscal year, or to the fulfilment of contracts properly made within that year; *Provided*, that no department of the insular government shall expend, in any one fiscal year, any sum in excess of the appropriations provided by law for that fiscal year, including amounts transferred to the credit of such appropriations

pursuant to law, or involve the insular government in any contract for the future payment of money in excess of such appropriations.

The annual appropriations made specifically by law for the service of any fiscal year shall remain upon the books of the Auditor and the Treasurer for two years after the termination of the fiscal year for which they are appropriated, and thereafter shall not be drawn upon for any purpose.

It shall be the duty of the Auditor at the close of each fiscal year, or as soon thereafter as possible, to prepare an itemized statement of the unexpended balances of all annual appropriations made specifically for any fiscal year, which have remained upon his books for two years or more since the termination of the fiscal year for which they were appropriated, which statement shall be transmitted to the Treasurer, verified by him, and returned to the Auditor. The Auditor shall thereupon issue a surplus fund warrant, with such verified statement attached thereto, specifying on the face of the warrant the unexpended balance of each of such appropriations, with the title thereof, the fiscal year for which made, and the date of the appropriation Act. When countersigned by the Governor, such surplus fund warrant shall constitute the authority for closing all such appropriation accounts upon the books of the Auditor and the Treasurer; *Provided*, that the foregoing provisions shall not apply to permanent or indefinite appropriations, not specifically limited by law to the service of any particular fiscal year, but which may remain open upon the books of the Auditor and Treasurer until all expenditures for the specific purpose for which such permanent or indefinite appropriations were provided shall have been fully paid, after which the

unexpended balances thereof shall be closed by a surplus fund warrant, in the manner herein provided.

SECTION 110.—The Auditor shall cause the official seal of his office to be impressed upon every warrant issued by him before signing the same.

SECTION 111.—No warrant shall be valid until countersigned by the Governor.

SECTION 112.—All warrants when countersigned by the Governor shall be transmitted to the Treasurer for his appropriate action thereon as required by law.

SECTION 113.—All accounts of the Treasurer of Porto Rico and of all officers and agents authorized to collect the revenues, receive moneys, and make disbursements, under the insular government, and all accounts and claims, subject to the jurisdiction of the Auditor, excepting the depositaries for insular revenues, shall be stated with the People of Porto Rico, and all balances certified thereon by the Auditor shall be certified as due to or from the People of Porto Rico, as the case may be. The accounts of the depositaries for insular revenues shall be stated with the Treasurer of Porto Rico, and the balances thereon certified as due to him.

The Auditor shall receive, examine and settle all accounts with the People of Porto Rico or which pertain to the insular treasury, for revenues, fees and moneys collected by officers and agents of the insular government, including the Treasurer's general accounts of receipts and expenditures and the accounts of the depositaries for insular revenues with the Treasurer; and all accounts of disbursements from appropriated insular revenues, trust funds, and moneys deposited with the Treasurer; and all accounts and liquidated claims payable therefrom. He shall make a formal statement and certificate of each settlement, and certify over his official signature

the balance found due. Such certificates of the Auditor shall be numbered consecutively, duly entered in personal ledgers and proper books of account, and shall be filed in his office, together with the accounts current, abstracts, vouchers and other papers pertaining thereto. A copy of each certificate of settlement made by the Auditor shall be transmitted to the Governor and filed in his office.

SECTION 114.—In making the settlement of such account, and before certifying the same the Auditor shall require from the bookkeeper in his office a certificate setting forth the last certified balance on such account, and the debits and credits since entered thereon, in personal ledgers, which certificate shall be used as the basis of the Auditor's settlement of the account before him.

SECTION 115.—In the settlement of the Treasurer's general accounts of receipts and expenditures, the evidence upon which he shall receive credit for expenditures, shall be the warrants duly paid and discharged with the Treasurer's drafts issued in payment thereof, properly indorsed and attached to the warrants which shall be filed with the Treasurer's accounts.

SECTION 116.—All accounts shall be rendered monthly, and, excepting the Treasurer's general account of receipts and expenditures, shall be rendered and transmitted to the Auditor within ten days after the expiration of the month to which they pertain. The Treasurer's general account of receipts and expenditures shall be rendered and transmitted to the Auditor within twenty-five days after the expiration of the month to which it pertains. Any officer or agent who fails to render his monthly account within the time herein prescribed shall be deemed a delinquent and shall be reported by the Auditor to the Governor for proper action.

SECTION 117.—The jurisdiction of the Auditor in the matter of accounts and claims shall be exclusive, and his action in certifying to balances thereon shall be binding and conclusive, except in cases where an appeal shall be taken to the Governor, in the manner herein provided.

SECTION 118.—Any officer, agent or claimant, whose account or claim has been disallowed in whole or in part by the Auditor, and any revenue officer or agent aggrieved by reason of any item of charge made against him by the Auditor in the settlement of his account, may within the period of ninety days from the date of the Auditor's certificate, take an appeal to the Governor, which appeal shall be in writing and shall specifically set forth the item or items of disallowance or charge complained of, the amount of each item, and the reasons relied on for reversing the action of the Auditor. The Governor upon receipt of each appeal shall transmit the same, for report to the Auditor, who shall forthwith return the same to the Governor with a statement of the grounds on which the item or items of disallowance or charge have been made, with a reference to the law, regulations or authority upon which his action is based. Thereupon the Governor shall decide upon the appeal and indorse his decision thereon as to each item, either sustaining or reversing the action of the Auditor, and transmit the papers to the Auditor, who shall be governed by the decision of the Governor, which shall be final and conclusive. No appeal shall be considered unless the same shall be taken and transmitted to the Governor within the time herein prescribed; and after the expiration thereof, if no appeal within the prescribed time shall have been taken, the action of the Auditor shall stand as conclusive.

SECTION 119.—The Auditor shall fix the amount of

bond required of all officers whose accounts are subject to his jurisdiction and audit, in all cases where the amounts of such bonds are not fixed by law. And all such bonds, excepting the bond of the Treasurer, shall be submitted to the Auditor for his examination and certificate as to their sufficiency and correctness as to amount, form and execution. When found satisfactory he shall so certify thereon and transmit such bonds to the Treasurer for his approval as to the sufficiency of the sureties thereon and for filing (filing) in his office.

SECTION 120.—The Auditor shall prescribe the form and manner of rendering all public accounts subject to his examination and audit, and the forms of vouchers, abstracts, bonds, requisitions, warrants and other official papers pertaining to the business of his office, and shall cause such forms to be printed and supplied to all officers needing the same for official use.

SECTION 121.—Vouchers on which payments are made by officers and agents of the insular government must be made out against the People of Porto Rico, in the form prescribed by the Auditor and duly certified. Credit thereon shall not be allowed by the Auditor in the settlement of the accounts of any disbursing officer or agent until such vouchers are paid and receipted in due form by the public creditor who rendered the services or furnished the supplies for which payment is made; or, in case of his death, by his duly appointed executor or administrator; or, in case of his bankruptcy or insolvency, by his assignee, trustee or the receiver of his estate, duly appointed by a competent court; or, in case of his lunacy or mental incapacity, by his guardian or committee appointed by the proper court; or in case of his absence from Porto Rico and during such absence, by his agent or attorney, duly authorized by

power of attorney, specially empowering such agent or attorney to transact all business of the principal with the insular government and to collect and receipt for all moneys due to the principal by the People of Porto Rico during such absence. Vouchers rendered by any firm or partnership must be receipted in the name of such firm or partnership by a member thereof; and when rendered by a company or corporation the vouchers must be receipted in the name of such company or corporation by the officer or agent duly authorized to receive, receipt and indorse in its behalf.

Disbursing officers and agents are required to indorse or stamp on each voucher the number and the date of the check issued in payment thereof and on what depositary drawn; or, where any payment is necessarily made in cash, it must be so indorsed on the voucher.

SECTION 122.—The Auditor shall have authority to prescribe needful rules and regulations, not inconsistent with law, for the information and guidance of officers rendering accounts subject to his jurisdiction and audit, as to the manner of keeping and rendering their accounts, depositing moneys collected or advanced, drawing official checks, and such other matters as pertain to the business of their respective offices. Such regulations shall be subject to approval by the Governor, and when so approved shall be of binding force and effect.

SECTION 123.—Upon the recommendation of the Auditor and the approval of the Governor, the Auditor may at any time authorize an examination to be made of the office of any disbursing officer or revenue officer under the insular government, and for such purpose he shall have access to the books, accounts, records, check

books, checks, bank account, and all other papers pertaining to such office. After the completion of every such examination the Auditor shall transmit a written report thereof to the Governor and a copy of the same to the head of the department, bureau or office in or under which such disbursing officer or revenue officer is employed.

SECTION 124.—No money shall be paid to any person for his compensation, or to any claimant in satisfaction of any claim or demand against the insular treasury, where such person or claimant is indebted and in arrears to the People of Porto Rico and is charged therewith upon the books of the Auditor, until he has accounted for and paid to the Treasurer of Porto Rico all sums for which he may be liable; *Provided*, that upon good cause shown and where the interests of the insular government will be benefitted thereby, necessary payments of compensation or salary due to persons in arrears to the People of Porto Rico and who are retained in the employment of the insular government, may be made upon the recommendation of the Auditor and the approval of the Governor.

In all cases where the pay or salary of any person, or an amount found due on any claim or demand against the People of Porto Rico, is withheld in pursuance of this section, it shall be the duty of the Auditor to set-off and credit the amount so withheld against the indebtedness of the party in arrears, or so much as may be required to satisfy and extinguish such indebtedness.

SECTION 125.—It shall be the duty of the Auditor to make prompt demand for the payment of all final balances certified by him to be due to the People of Porto Rico, and, except where suit is necessary and required

to take such measures as may be authorized by law to enforce prompt payment thereof.

SECTION 126.—In all cases where the payment of any final balance certified to be due to the People of Porto Rico is not made within a reasonable time, the Auditor shall make written request to the Attorney General of Porto Rico to cause suit to be instituted for the recovery of the same, and shall transmit with such request a copy of the Auditor's statement and certificate showing such balance to be due, duly certified over his official signature and the seal of his office, together with a copy of the official bond on which suit is to be instituted, certified in like manner by the Treasurer of Porto Rico.

SECTION 127.—Copies of any documents, records, books or papers in the offices of the Treasurer and Auditor, duly authenticated under the official seals of said offices and by the official signatures of said officers, respectively, shall be evidence equally with the originals.

SECTION 128.—In addition to the reports required of the Auditor by Section 23 of the Act of Congress approved April 12, 1900, he shall make such further reports to the Governor as he may from time to time require.

SECTION 129.—The Auditor shall have and keep an official seal, to be impressed upon all warrants issued by him and to be used in authenticating documents and papers certified and signed by him, unless a new seal be adopted in accordance with the provision of Title VII of this Code.

SECTION 130.—The books, records and office of the Auditor shall be at all times subject to the inspection of the Governor and the members of the Legislative As-

sembly, and any committee appointed to examine them by either house thereof.

SECTION 131.—There shall be in the office of the Auditor of Porto Rico an Assistant Auditor, who shall be appointed by the Auditor and whose salary shall be as fixed by the Executive Council in accordance with the provisions of the Organic Act of the Congress of the United States approved April twelfth, nineteen hundred.

The Assistant Auditor shall perform such duties as may be assigned to him by the Auditor.

In case of the death, resignation or removal of the Auditor, or his disability or temporary absence, the Assistant Auditor shall act in his place, and exercise all the powers and perform all the duties of the Auditor, as acting Auditor, during such vacancy, disability or absence.

SECTION 132.—All provisions contained in any ordinance, military order, regulation or law, existing and in force at the time of the enactment of this Chapter which specifically define and prescribe the incidental powers and duties of the Auditor, or any part thereof, not inconsistent or in conflict with the provisions of this Chapter, and not superseded or repealed thereby, are hereby continued and preserved in full force and effect.

CHAPTER VI

THE COMMISSIONER OF THE INTERIOR.

SECTION 133.—The Commissioner of the Interior shall superintend all insular public works, and shall have charge of all insular property, including public buildings, public highways and bridges, water powers, unnavigable streams and the beds thereof, subterranean waters, mines or minerals under the surface of private lands, public grounds and public lands, the insular

telegraph system, public records and archives, and all the harbor shores, docks, slips and reclaimed lands.

SECTION 134.—The Department of the Interior shall be as follows:

The office of Commissioner, and the following divisions, each division to be in charge of a chief.

1. A chief of public works, who shall have charge of public buildings, harbor shores and lands, railroads, highways, bridges, unnavigable streams, canals, irrigation, marsh lands, aqueducts, and the supervision and inspection of all works undertaken by the insular government, by cities, villages or other civil divisions, and by private concessions which in any way affect the public domain.

2. A chief of agriculture and mines, which shall have charge of all matters relating to agriculture and related industries, mines and minerals.

3. A chief of lands and forests, which shall have charge of all matters relating to lands and forests.

4. A chief of insular telegraph, which shall have charge of the construction, extension, maintenance and operation of the public telegraph system.

5. A bureau (chief) of docks and harbors, which shall have charge of all matters relating to the harbors and docks and harbor shores of the ports of the island. The Commissioner of the Interior, with the approval of the Executive Council, shall have the power to establish and enforce rules and regulations in relation to the policing and the use of the harbors and docks and harbor shores; to prescribe the fees and charges for pilotage, inspection, surveys and dockage or wharfage, and to enforce their collection; and to prescribe the penalties for infractions of any such rules and regulations, which penalties, when approved by the Executive Council,

shall have the force of law and shall be cognizable in the District Courts of the island. All moneys collected hereunder shall be paid over to the Insular Treasurer, and shall be accounted for under such rules and regulations as may be prescribed by the Auditor.

The schedule of fees and charges prescribed hereunder shall remain in force only for a period of one year from the passage of this Act, unless sooner repealed by the Legislative Assembly.

SECTION 135.—The Commissioner of the Interior may, with the approval of the Executive Council, provide for the leasing for a period not exceeding fifteen years, and, with the consent of the Legislative Assembly, for the sale of all lands heretofore, or which may hereafter be granted to the island of Porto Rico by the United States or otherwise.

SECTION 136.—The Commissioner of the Interior shall, on or before the first day of October of each year, transmit to the Governor a full report of the operations of his department, of all expenditures made therein, together with such statements, facts, and explanations bearing upon the construction and maintenance of public roads and buildings, and such suggestions and recommendations as to the general policy of the island in respect to the same, as may seem to him appropriate.

SECTION 137.—All provisions contained in any decree, ordinance, order, regulation or law existing or in force at the time of the passage of this Act, which define or prescribe any additional power or duty to be assumed or performed by the Commissioner of the Interior, and not inconsistent or in conflict with the powers and duties herein prescribed, are hereby declared to be and continue in full force and effect and shall not be in any way repealed or modified hereby.

CHAPTER VII.

THE COMMISSIONER OF EDUCATION.

SECTION 138.—The Commissioner of Education being required by Act of Congress of April twelve, nineteen hundred, to supervise education in Porto Rico, he shall, to comply with said Act, approve all disbursements made on account thereof; he shall appoint, from time to time, supervisors or superintendents of schools who shall be subject to the Commissioner in all respects; he shall prepare and promulgate all courses of study for the schools; he shall conduct all examinations for teachers' certificates, and issue licenses or certificates to teachers; he shall fix the salaries of teachers, provided always the amounts so designated shall not be in conflict with law; he shall select and purchase all school books, supplies, and equipments necessary for the proper conduct of education, except as otherwise provided by law; he shall approve all plans for public school buildings to be erected in Porto Rico; he shall require and collect such statistics and reports from school boards, supervisors, superintendents and teachers, as he may from time to time deem necessary to the welfare of the school system; and he shall formulate such rules and regulations as he may deem necessary for the effective administration of the duties of his office.

SECTION 139.—The Commissioner of Education shall, on or before the first day of October of each year, transmit to the Governor, a full report of the operations of his department, of all expenditures made therein, together with such statements, facts, and explanations concerning the educational system of the island, and such suggestions and recommendations as he may deem appropriate.

CHAPTER VIII.

DIRECTOR OF CHARITIES.

SECTION 140.—The Governor shall, by and with the advice and consent of the Executive Council, appoint a Director of Public Charities.

SECTION 141.—The Director of Charities shall have the executive control of all charitable institutions in Porto Rico supported by insular funds, and of all other institutions the control of which may be assigned to him by law. He shall receive and disburse all funds appropriated or donated for such purpose.

SECTION 142.—The Director of Charities shall have power to prescribe, subject to the approval of the Executive Council, the rules and regulations for all insular charitable institutions under his control.

SECTION 143.—All contracts for the purchase of supplies, for alterations, and for repairs may be made by the Director of Charities, subject always to the rules and regulations approved by the Executive Council.

SECTION 144.—The Director of Charities, before entering upon the duties of his office, shall give bond to the People of Porto Rico in the sum of five thousand (5,000) dollars, conditioned for the faithful performance of his duties. Such bond shall be approved by the Auditor and when so approved shall be filed in the office of the Treasurer.

SECTION 145.—There shall be a disbursing officer appointed by the Director with the approval of the Executive Council who shall also be the general book-keeper. He shall give bond to the amount required by the Auditor of Porto Rico, and shall be responsible for the receipt and disbursement of all funds belonging to the charitable institutions of Porto Rico and pay out

the same only on vouchers approved by the Director.

SECTION 146.—It shall be the duty of said Director of Charities, either personally or through one of his agents or inspectors, with one member of the Executive Council and a citizen of Porto Rico designated for that purpose by the Governor, to visit and inspect at least once in two months, the insular institutions placed under his charge by Section 141 of this Chapter and to make a report of the results of such inspection in writing, together with any recommendations which they may have to make. For the purpose of such investigation the Director, or an inspector duly authorized, together with the two members above mentioned shall have power to summon and compel the attendance of witnesses, to examine the same under oath and may order the production of any books, papers, documents, or other property material to such investigation; and it shall be the duty of the Director to cause the testimony so taken to be filed in his office within ten (10) days after the same is taken, or as soon thereafter as practicable, and when so filed the same shall be open for the inspection of any person. Any person failing or refusing to obey the orders of the Director or his agent, issued as authorized by this Chapter or to give or produce evidence when required, shall be reported by the Director to the District Court or any judge thereof, and shall be dealt with by the court or judge as for contempt of court.

SECTION 147.—The Director shall at least once in each fiscal year, through his agents or inspectors, duly appointed by him for that purpose, inspect the charitable institutions belonging to cities and villages of the island. A written report of every such inspection shall be filed in the office of the Director and a copy of such report shall be forwarded to the governing body of the

institution inspected. The Director and his agents or inspector shall have free access to the grounds, books, and papers of every such institution, and may require from the officers and persons in charge thereof any information which they may deem necessary in order to enable them to make a thorough inspection. No such officer or inspector shall communicate to any person without the knowledge and consent of the Director any fact or information obtained pursuant to the provisions of this Section, except as herein provided. On such inspections, inquiries shall be made to ascertain:

First. Whether the objects of the institution are being accomplished.

Second. Whether the grounds and buildings are in a sanitary condition.

Third. Whether the methods of industrial, educational, and moral training are adapted to the needs of the inmates.

Fourth. Whether the methods of government and discipline are humane and efficient, and whether the inmates are kindly treated.

Fifth. Whether the qualifications and conduct of its officers and employees are satisfactory.

Sixth. Whether the provisions of law relating to such institutions are fully complied with.

Seventh. Whether proper records are kept concerning the reception, retention and discharge of inmates.

Eighth. Whether proper records are kept of the receipts of the institution and of its expenditures, and whether the latter are economically and honestly made.

Ninth. Whether proper records are kept of all property bought by, supplied to, or belonging to the institution.

SECTION 148.—If it shall appear from any inspection

or investigation that the inmates of any city or village institution are cruelly, negligently, or improperly treated, or that inadequate provisions are made for their sustenance, clothing, shelter, care, treatment, or other conditions necessary for their comfort and well being, the Director of Charities shall, by written communication call the attention of the governing authorities to such evils, defects or abuses.

SECTION 149.—If such evils, defects, or abuses are not corrected in such period of time as the Director of Charities may consider reasonable, he shall certify the same to the Governor of Porto Rico. The Governor may thereupon remove the officers or governing authorities responsible for the unsatisfactory conditions of the institution in question and such dismissed officers shall not be reappointed by the local authorities.

SECTION 150.—Three citizen of Porto Rico designated by the Governor shall make an inspection at such times as the Governor may direct, of the conduct, management, construction and general condition of any private hospital, school, asylum or ether institution of charity, where children or adults are cared for or confined. Written reports of the results of such inspection shall be made to the Governor and copies shall be furnished to the persons or authorities controlling such institutions. It is hereby made the duty of the person in charge of any such private institution to assist in such examination and to furnish such statistics concerning the same as may be required, provided nothing herein shall be construed to authorize inquiry into the sources of income of any such institution, or into the books or private papers of the same, or the religious teachings had in such institutions.

SECTION 151.—The Director of Charities shall require

an annual report from every public charitable institution, insular, city or village, and from all other charitable institutions supported in whole or in part from public funds, insular or local. Such report shall include a statement of the income of such institution and the sources from which it is derived, the expenditures and purposes for which the funds were expended, the number of inmates received, from whom received, the number of inmates discharged, and the disposal made of them. All officers of such institutions shall furnish such statistics on or before the first day of August of each year for the preceding fiscal year. Such statistics shall be made out in accordance with forms prescribed by the Director. Any official refusing to furnish such information without satisfactory excuse shall be subject to a penalty of one hundred (100) dollars.

From all institutions other than the above-mentioned, an annual report shall be required which shall include a statement of the number of inmates received, from whom received, the number of inmates discharged, and the disposal made of them.

SECTION 152.—The Director of Charities shall submit an annual report to the Governor of Porto Rico, which shall contain:

First. A detailed statement of all expenses incurred by officers and agents employed.

Second. A statement of the condition of every institution under his charge.

Third. Such statistical or other information concerning city, village, or private institutions as he may have gathered.

Fourth. Such suggestions as to the administration of charitable institutions as he may deem necessary and pertinent.

SECTION 153.—The cost of transportation of any person committed to any public charitable insular institution shall be a charge upon the municipality wherein such person resided at the time of the order of his committal, and in case of discharge from any such institution, the cost of returning such person to the municipality from which he came shall likewise be a charge against such municipality.

CHAPTER IX.

THE DIRECTOR OF PRISONS.

SECTION 154.—The Governor, by and with the advice and consent of the Executive Council, shall appoint a Director of Prisons, who shall be subject to the jurisdiction and supervision of the Attorney General and shall give bond to the People of Porto Rico in such sum as the Executive Council may prescribe.

SECTION 155.—It shall be the duty of the said Director to visit and inspect all institutions established for the detention of sane adults charged with or convicted of crime, and to secure the just, humane and economical administration of all such institutions subject to his inspection; to aid in securing the erection of suitable buildings for the accomodation of the inmates of such institutions; to investigate the management of all institutions made subject to visitation of said Director and the conduct and efficiency of the officers or persons charged with their management; to secure the best sanitary conditions of the buildings and grounds of all such institutions, and to protect and preserve the health of the inmates; to collect statistical information in respect to the property, receipts and expenditure of said institutions, the number and condition of the inmates thereof, and to ascertain and recommend such

system of employing said inmates as may, in the opinion of said Director, be for the best interests of the public.

SECTION 156.—The disbursing officer shall give bond as required by law, and all disbursements shall be made upon vouchers approved by the Director of Prisons.

SECTION 157.—The warden of every prison or superintendent or manager of every penitentiary or keeper of every jail or other institution established for the detention of sane adults charged with or convicted of crime shall, on or before the first day of May in each and every year, report to the Director of Prisons the number of male and female persons charged with crime and awaiting trial, the number convicted of crime, the number detained as witnesses, together with a statistical exhibit of the number of admissions, discharges and deaths which have occurred within twelve months previous, the nature of the charge, the period of deduction of sentence, and other facts and information.

SECTION 158.—The Director of Prisons shall appoint and remove in accordance with the provisions of law, the wardens, agents, physicians and other officers of the insular prisons. He shall designate such number of keepers, guards, teachers and other employees at each of the said insular prisons as he may deem necessary for the safe keeping and improvement of the prisoners, or for the maintenance of discipline; *provided*, the number of keepers and guards shall not exceed the proportion of one keeper and one guard to every thirty prisoners at each of said institutions.

SECTION 159.—The Director shall prepare regulations for the government and administration of all the penal institutions, insular and municipal, which regulations shall be approved by the Executive Council; but munic-

ipalities shall appoint and pay all employees of the municipal jails, and pay the cost of maintaining the same in accordance with the said regulations. Regulations pertaining to the labor of the prisoners, their employments, rewards and commutations of sentence for good behavior, and other subjects affecting the welfare of the prisoners and their management shall be prescribed by the said Director and approved by the Attorney General.

SECTION 160.—The Director of Prisons shall make monthly report to the Attorney General stating the names of all convicts received into the penitentiary during the preceding month, the district in which they were tried, the crimes of which they were convicted, the nature and duration of their sentences, their former trade, employment or occupation, their habits, color, age, place of nativity, degree of instruction, and a description of their persons, and stating if any such convicts have ever been confined before, and, if so, when and where.

SECTION 161.—All the official transactions and dealings on account of each insular prison shall be conducted by and in the name of the warden thereof, subject to the direction and supervision of the Director of Prisons.

SECTION 162.—The Director of Prisons shall be responsible for the supply of provisions and other suitable articles for the maintenance of the prisoners under his charge, and such supplies and provisions shall be furnished either by contract or by purchase after due advertisement and award made by the Director of Prisons, with the approval of the Executive Council. The articles of food and quantities of each kind shall be prescribed by the said Director, and, in case a contract is made, it

shall be reduced to writing and executed in duplicate.

TITLE VI.

CHAPTER I.

COMMISSIONERS OF DEEDS.

SECTION 163.—The Governor may appoint in each of the states and territories of the United States, or in any foreign state, one or more Commissioners, who shall hold their offices for four years from the date of their respective appointments unless sooner removed by the Governor.

SECTION 164.—Every such Commissioner shall, within three months from his appointment, take and subscribe an oath or affirmation before a justice of the peace or other magistrate of the city or county where he resides or before a clerk of a court of record within the state or territory where he resides, faithfully to discharge the duties of his office, and shall cause to be prepared an official seal upon which shall appear his name, the words "Commissioner for Porto Rico" and the name of the state or territory and city or county in which he resides. An impression of such seal, together with the Commissioner's oath of office and signature, shall forthwith be transmitted to and filed in the office of the Secretary of Porto Rico, whereupon his commission shall be forwarded to him.

SECTION 165.—Said Commissioner may, in the state or territory for which he is appointed, administer and certify oaths and take depositions, affidavits, and acknowledgments of deeds and other instruments, to be used or recorded in Porto Rico, and the proof of such deeds when the grantor refuses to acknowledge the same; and all oaths, depositions, affidavits, acknowledgments, and

proofs so administered or taken and certified by such Commissioner under his official seal, shall be as effectual as if administered or taken and certified by the proper officers of Porto Rico and shall be received as evidence in all the courts of justice of Porto Rico.

SECTION 166.—Commissioners appointed under Section 163 shall be allowed the following fees:

For administering oaths and certifying the same under their official seal, one dollar for each; for taking acknowledgments of deeds and other instruments, and certifying the same under their official seals, one dollar for each; for each written page contained in any deposition or affidavit taken by them, fifty cents; for administering the oath or affirmation to each deponent, one dollars, for authenticating, sealing up, and directing each deposition, one dollar; for services not herein before specified, the same fees as are allowed to notaries public in the island of Porto Rico; but the court to which a deposition is returnable shall order further allowance therefor if it appear proper to do so.

TITLE VII.

GENERAL PROVISIONS RELATING TO DIFFERENT CLASSES OF OFFICERS.

CHAPTER I.

APPOINTMENTS, COMMISSIONS, QUALIFICATIONS AND OFFICIAL SEALS.

SECTION 167.—Every officer, the mode of whose appointment is not prescribed by the Organic Act, the laws of the United States amendatory thereof, or the laws of Porto Rico, shall be appointed by the Governor by and with the advice and consent of the Executive Council.

SECTION 168.—Whenever the Executive Council concurs in a nomination, the Clerk thereof shall immediately deliver a copy of the concurrence certified by the President and Clerk to the Secretary of Porto Rico, and another copy certified by the Clerk to the Governor.

SECTION 169.—By direction of the Governor and with the approval of the Executive Council, every officer shall continue to discharge the duties of his office, and shall be entitled to the compensation of the office although his term has expired, until his successor has entered upon the duties of the office.

SECTION 170.—The Governor shall commission:

1.—All officers elected by the people, whose commissions are not otherwise provided for;

2.—All officers appointed by the Governor, or by the Governor, with the consent of the Executive Council;

3.—The Resident Commissioner in Washington.

SECTION 171.—The commissions of all officers commissioned by the Governor shall be issued in the name of the People of Porto Rico, and must be signed by the Governor and attested by the Secretary of Porto Rico under the great seal.

SECTION 172.—In case of the death, resignation or removal of the head of any department, office or bureau of the insular government, or his disability or temporary absence, the assistant or deputy of such department office or bureau, shall, unless otherwise provided by law, perform the duties of such principal officer until his successor shall have been appointed, qualified and entered upon the duties of the office, or until such disability or absence shall cease.

SECTION 173.—In every case where neither the principal nor the assistant or deputy of any department, office or bureau of the insular government can perform the

duties thereof, by reason of death, resignation, removal, disability or temporary absence, the Governor may, in his discretion, and with the approval of the Executive Council, authorize and direct the head of any other department, office or bureau, to perform the duties of such office until a successor is appointed or the disability or temporary absence shall cease.

SECTION 174.—No officer performing the duties of another office, as authorized and provided in the preceding Section, and no assistant or deputy performing the duties of the principal officer, during a vacancy in the office, or during the disability or temporary absence of the principal officer, shall be, by reason thereof, entitled to any other compensation than that attached to his proper office.

SECTION 175.—No money shall be paid to any clerk employed in any department, office or bureau of the insular government at an annual salary, as compensation for extra services, unless expressly authorized by law.

SECTION 176.—No allowance or compensation shall be made to any officer or clerk, by reason of the discharge of duties which belong to any other officer or clerk in the same or any other department, office or bureau of the insular government; and no allowance or compensation shall be made for any extra services whatever, which any officer or clerk may be required to perform, unless expressly authorized by law.

SECTION 177.—No officer in any branch of the public service under the insular government, or any other person whose salary, pay or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever for the disbursement of public money or for any other service or duty whatever, unless the same is expressly au-

thorized by law, and the appropriation therefor explicitly states that it is for such additional pay, extra allowance or compensation.

SECTION 178.—The head of each department under the insular government is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use and preservation of the records, papers and property pertaining to it.

SECTION 179.—The heads of the several departments of the insular government may, in their discretion and consistent with the needs of the public service, grant leaves of absence with full pay to the clerks, messengers, and employees therein, not to exceed thirty days in any one calendar year, Sundays and legal holidays excluded; *Provided*, that where leave of absence is granted, with permission to visit the United States, an additional period of six days for making the transit from Porto Rico to the United States and six days for the return transit from the United States to Porto Rico, may be allowed; but no compensation for the period of such return transit shall be paid until the person to whom such leave of absence is granted shall have returned to his duties. The Governor is authorized to prescribe uniform regulations, not inconsistent with the provisions of this Section, governing leaves of absence in the several departments, to clerks, messengers and employees therein, and the allowance and payment of compensation in all cases of absence of such clerks, messengers and employees.

SECTION 180.—In accordance with the provision of the Act of Congress of April 12th, 1900, no person shall be eligible to membership in the House of Delegates who is not twenty-five years of age and able to read and

write either the Spanish or the English language, or who is not possessed in his own right of taxable property, real or personal, situated in Porto Rico and who does not possess the other qualifications required of electors.

SECTION 181.—In accordance with the provisions of the Act of Congress of April twelfth, nineteen hundred, no person shall be elected as Resident Commissioner to the United States who is not a bona fide citizen of Porto Rico, who is not thirty years of age, and who does not read and write the English language.

SECTION 182.—No person shall be elected to the office of school director or member of the board of education who is not able to read and write and who does not possess the other qualifications required of electors.

SECTION 183.—No person shall be elected to an insular or local office who does not possess the qualifications required of electors.

SECTION 184.—Each of the executive departments except that of the Secretary shall have and keep an official seal, which shall be such as the head of department shall prescribe; *Provided*, however, that such seal shall contain representations different from those found on the great seal. An impression of the seal of each executive department must be filed in the office of the Secretary of Porto Rico.

SECTION 185.—All general reports, whether annual or otherwise of the Governor or heads of departments of government, or of any bureau or division thereof, which are published in English, shall also be published in Spanish. Copies thereof shall be distributed when not otherwise provided by law, to the several departments of the government, to each member of the Legislative Assembly, and two copies to each alcalde.

CHAPTER II.

OATH OF OFFICE AND OFFICIAL BONDS.

SECTION 186.—Members of the Legislative Assembly and all officers, executive, ministerial or judicial, must, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation, to-wit:

OATH OF ALLEGIANCE AND OFFICE.

I, of
 appointed
 do solemnly swear that I will support and defend the Constitution of the United States and the laws of Porto Rico against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

.....
 Sworn and suscribed before me, a in and for
 the, this day of
 A. D. 190..

.....
 No other oath or affirmation shall be required.

SECTION 187.—The President of the Executive Council and the Speaker of the House of Delegates may administer the oath of office to their employees, and to the members of their respective bodies. Other officers may take the oath of office before any official authorized to administer oaths.

SECTION 188.—Every official bond required of officers of the insular government, except when otherwise

provided by law, shall be filed in the office of the Treasurer. The Auditor shall approve such bonds as to form and execution, and the Treasurer as to the sufficiency of the sureties thereon. A proper register of such bonds shall be kept both in the office of the Auditor and that of the Treasurer. The expense of procuring any official bond and the premiums paid therefor shall be borne by the official required to give such bond.

The Attorney General shall approve the general form of all official bonds required and used in any of the departments of the insular government.

SECTION 189.—It shall be the duty of every disbursing officer having any public money of the People of Porto Rico, or any trust fund, or other money advanced from the insular treasury intrusted to him for disbursement, to deposit the same with some one of the authorized depositaries for insular revenues, or some bank duly authorized to act as an agency of such depositaries and for which such depositaries are responsible, and to draw from the same only as may be required for payments to be made by him pursuant to law, and in favor of the person to whom such payments are made.

SECTION 190.—Whenever any original check issued by any disbursing officer or agent of the insular government is lost, stolen or destroyed, such disbursing officer or agent is authorized, after the expiration of forty-five days from the date of issue and within two years from such date, to issue a duplicate check; *Provided*; that satisfactory and competent proof of the loss, theft or destruction of such check shall first be obtained and approved by the Auditor and payment of the original check be stopped and a satisfactory bond of indemnity, not less in amount than double the amount of such check, be filed with the disbursing officer, which bond

must be approved by the Attorney General as to form and execution and by the Treasurer as to the sufficiency of the sureties thereon. Necessary regulations governing the issuing of duplicate checks by disbursing officers may be issued by the Auditor and approved by the Governor.

SECTION 191.—In case of the resignation or removal of any disbursing officer or agent under the insular government, he shall not thereafter draw any check against the moneys or deposit to his official credit with any depositary for insular revenues with whom his official deposits were made; and no depositary for insular revenues, having received notice of the resignation or removal of any such disbursing officer or agent, shall honor any check drawn by him after the date of his resignation or removal.

SECTION 192.—In case of the death, resignation or removal of any disbursing officer under the insular government, it shall be the duty of the head of the proper department in which such disbursing officer was employed immediately to notify the depositary with whom the funds of such disbursing officer were kept, of the fact, giving the date of his death, resignation, or removal, and to send a like notice to the Auditor. The head of such department shall also cause to be made a certified list of all outstanding checks of such disbursing officer, and transmit the same as soon as possible to the Auditor, who shall verify the same. The Auditor shall thereupon call upon the depositary with whom the funds of such disbursing officer were kept for a statement of the amount standing to his official credit. The amount of outstanding checks shall be deducted from the balance standing to the credit of such disbursing officer, and such depositary, upon request of the

Auditor, approved by the Governor, shall deposit the amount standing to the credit of such disbursing officer, less the amount of his outstanding checks with the Treasurer of Porto Rico, as a repayment of disbursing funds in the name of such disbursing officer, for which he shall receive credit in the settlement of his accounts, upon the Treasurer's receipt for the amount so deposited.

SECTION 193.—In the event that the list of outstanding checks required by the preceding section should be incomplete, or in case of any error therein by reason of which there should not be sufficient funds, remaining with the depositary to pay all outstanding checks of any such disbursing officer, all such checks not paid for want of funds in the hands of the depositary, shall be referred to the Auditor, whose duty it shall be to state an account in favor of the owner of such check, and issue a settlement warrant in his favor for payment of the amount thereof, which shall be charged to the account of the disbursing officer by whom such check was drawn.

SECTION 194.—Whenever any disbursing officer or agent under the insular government, by whom was issued any check which has been lost, destroyed or stolen, is dead, or no longer in the service, the Auditor shall, under such regulations as may be issued by him and approved by the Governor, state an account in favor of the owner of such original check, for the amount thereof, and charge such amount to the account of such disbursing officer or agent; *Provided*, that in every such case a satisfactory bond of indemnity shall be filed, not less in amount than double the amount of such check.

SECTION 195.—Every officer or agent of the insular government or connected therewith, who receives public moneys of the People of Porto Rico, or any trust funds or other moneys belonging to the insular treas-

ury, shall deposits such moneys promptly with the Treasurer of Porto Rico, and render his accounts therefor monthly, in the manner herein provided, to the Auditor, transmitting with such accounts the vouchers necessary to the correct and prompt settlement thereof.

SECTION 196.—All officers, agents or other persons receiving public moneys and funds of any kind, advanced to them by the Treasurer of Porto Rico, upon warrants pursuant to law, shall render distinct accounts of the application thereof, according to the appropriations under which the same may be advanced to them.

SECTION 197.—All persons charged by law with the safe-keeping, transfer, collection and disbursement of public moneys by the People of Porto Rico, are required to keep an accurate entry of each sum received, of each deposit made, and of each payment or transfer.

SECTION 198.—Whenever any officer authorized by law to collect revenues, fees or moneys belonging to the People of Porto Rico, or to disburse moneys advanced to him by the Treasurer of Porto Rico, on warrants pursuant to law, fails to render his accounts, or to pay over, in the manner and in the time required by law, or by regulations issued pursuant to law, any sum of money remaining in his hands, it shall be the duty of the Auditor, after due notice, to state and certify the accounts of such delinquent officer to the Attorney General of Porto Rico, who is authorized and required immediately to proceed against such delinquent officer in the manner provided by law.

SECTION 199.—Copies of any books, records, papers, or documents in any of the departments of the insular government authenticated under the seals of such department respectively, shall be admitted in evidence equally with the originals thereof.

SECTION 200.—No contract or order, or any interest therein, shall be transferred by the party to whom such contract or order is given to any other party, and any such transfer shall cause the annulment of the contract or order transferred as far as the People of Porto Rico are concerned. All rights of action, however, for any breach of such contract by the contracting parties, are reserved to the People of Porto Rico; *Provided*, that the provisions of this Section shall not apply where a failing or defaulting contractor, with the approval and consent of the head of the proper department, surrenders his contract to the sureties on the official bond of such contractor for the faithful performance of the contract, and such sureties undertake and satisfactorily carry out such contract.

SECTION 201.—All transfers and assignments made of any claim upon or against the People of Porto Rico, or of any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authority for receiving payment of any such claim, or any part or share thereof, shall be absolutely null and void, unless they are freely made and executed in the presence of at least two attesting witnesses, after the allowance of such claim by the Auditor, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. Such transfers, assignments and powers of attorney must recite the warrant for payment and the number and date of the draft of the Treasurer issued thereon, and must be acknowledged by the person making them before a notary public or some officer having authority to take acknowledgements of deeds, and shall be certified by such officer; and it must appear by the certificate that the

officer, at the time of the acknowledgement, read and fully explained the transfer, assignment or power of attorney to the person acknowledging the same. The auditor shall furnish the necessary forms for such powers of attorney to persons requiring the same.

CHAPTER III.

PROHIBITIONS APPLICABLE TO PUBLIC OFFICERS.

SECTION 202.—No member of the Legislative Assembly nor any insular, city or village officer shall be interested directly or indirectly in any contract made by him in his official capacity, or by any body or board of which he is a member, and in all such contracts there shall be an express condition that no member of the Legislative Assembly nor any insular, city or village officer shall be admitted to any part or share of such contract or agreement, or to any benefit to arise thereupon.

SECTION 203.—Insular, city or village officers shall not be purchasers at any sale, nor vendors at any purchase made by them in their official capacity.

SECTION 204.—Every contract made in violation of any of the provisions of the two preceding sections may be avoided at the instance of any party except the officer interested therein.

SECTION 205.—The officers of the insular government, and the several city and village officers, their deputies and clerks are prohibited from purchasing or selling, or in any manner receiving for their own use or benefit, or for the use or benefit of any person or persons whatever, any insular, city or village warrants, scrip, orders, demands, claims or other evidences of indebtedness issued to or held by them for services rendered as such official, deputy, clerk, and evidences

of the funded indebtedness of Porto Rico, or of any city or village thereof.

SECTION 206.—Wherever the words “city” or “village” are used in this Code, they shall be held to apply also to municipalities.

CHAPTER IV.

RESIGNATIONS AND VACANCIES.

SECTION 207.—Resignations from office must be in writing and made as follows:

1. By all officers commissioned by the Governor, to the Governor.

2. By members of the House of Delegates, whether the Legislative Assembly is in session or not, to the presiding officer of the House of Delegates, who must immediately transmit the same to the Governor.

3. By all municipal officers not commissioned by the Governor, to the municipal assembly of their respective municipalities, except alcaldes and municipal councilmen, whose resignations shall be presented to the Governor.

4. By all other appointed officers, to the body or officer that appointed them.

5. In all cases not otherwise provided for, to the Governor.

SECTION 208.—An office becomes vacant on the happening of any of the following events before the expiration of the term:

1. The death of the incumbent.
2. His insanity, found upon a commission of lunacy issued to determine the fact.
3. His resignation duly accepted.
4. His removal from office.

5. His ceasing to be a resident of the island, or if the office be local, of the district, city, or village for which he was chosen or appointed, or within which the duties of his office are required to be discharged.

6. His absence from the island without the permission of the Governor or the Legislative Assembly, beyond the period of ninety days; *Provided*, this shall not apply to the Resident Commissioner to the United States.

7. His ceasing to discharge the duties of his office for the period of three consecutive months, except when prevented by sickness or when absent from the island by permission of the Governor or the Legislative Assembly.

8. His conviction of a felony, or of any offense involving moral turpitude, or a violation of his official duties.

9. His refusal or neglect to file his official oath or bond within fifteen days after the commencement of the term of office for which he is chosen, if an elective office, or if an appointive office, within fifteen days after notice of his appointment, or within fifteen days after the commencement of such term.

10. The decision of a competent tribunal declaring void his election or appointment.

SECTION 209.—Whenever a vacancy or a failure to elect by reason of a tie vote occurs in the House of Delegates, the Governor must at once issue a writ of election to fill such vacancy, and at least eight days notice of such election shall be given.

SECTION 210.—If, while a session of the Legislative Assembly is pending, any member of the House of Delegates shall absent himself from his duties for more than five consecutive days without the consent of the

House of Delegates, his office shall be deemed vacant, and the Governor may issue a writ of election to fill such vacancy, as prescribed by law.

SECTION 211.—When a mayor, village president, or a member of any municipal council of Porto Rico wishes to resign his office, or by reason of the decision of a competent court, or for any other cause, such officer or councilman is removed, his resignation or removal shall be communicated in writing to the Secretary of Porto Rico by means of a letter or a duly attested copy of the order or decree of removal, as the case may be, and the Secretary shall inform the Governor of Porto Rico.

SECTION 212.—If the reasons given for the resignation shall be deemed sufficient by the Governor, or if the Governor deems the reasons for such removal adequate, he shall, with the advice and consent of the Executive Council, fill such vacancy or vacancies, appointing the person or persons who shall discharge the duties of such office or offices, until the next municipal election; *Provided*, that in cases of resignations, the mayor, village president or councilman shall send a copy of the same to the corporation to which he may belong.

CHAPTER V

TRADE MARKS.

SECTION 213.—That the owners of trade-marks or commercial designs used in commerce in Porto Rico, provided such owners shall be domiciled in Porto Rico or the United States or located in any foreign country which affords similar privileges to citizens of the United States or Porto Rico, may obtain registration of such trade-marks or commercial designs by causing to be

filed in the office of the Secretary of Porto Rico a statement specifying name, principal place of business and citizenship of the party applying; the class of merchandise, and the particular description of goods comprised in such class to which the particular trade-mark or design has been appropriated; a description of the trade-mark or design itself, with fac-similes thereof, and a statement of the mode in which the same is applied and affixed to goods, and the length of time during which the trade-mark or design has been used; by paying the required registration fee and complying with such regulations as may be prescribed by the Secretary of Porto Rico.

SECTION 214.—That the application prescribed in the foregoing Section must, in order to create any right whatever in favor of the party filing it, be accompanied by a written declaration verified by the person, or by a member of a firm or by an officer of a corporation applying, to the effect that such party has at the time a right to the use of the trade-mark or design sought to be registered, and that no other person, firm or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as might be calculated to deceive; and that the description and fac-similes presented for registry truly represent the trade mark or design sought to be registered.

SECTION 215.—That the time of the receipt of any such application shall be noted and recorded. But no alleged trade-mark or design shall be registered unless the same appear to be lawfully used as such by the applicant; nor which is merely the name of the applicant; nor which is identical with a registered or known trade-mark or design owned by another and appropriated to the same class of merchandise, or which so nearly resembles the lawful trade-mark or design of

another as to be likely to cause confusion or mistake in the mind of the public or to deceive purchasers. In an application for registration the Secretary of Porto Rico shall decide the presumptive lawfulness of claim to the alleged trade-mark or design.

SECTION 216.—That certificates of registry shall be issued in the name of the People of Porto Rico, and signed by the Secretary of Porto Rico, under seal, and a record thereof, together with copies of the specifications, shall be kept in books for that purpose. Copies of trade-marks and designs and of statements and declarations filed therewith, and certificates of registry so signed and sealed shall be evidence in any suit in which such trade-marks or designs shall be brought into controversy.

SECTION 217.—That a certificate of registry shall remain in force for twenty years from its date, except in cases where the trade-mark or design is claimed for and applied to articles not manufactured in Porto Rico, and in which it receives protection under the laws where manufactured for a shorter period, in which case it shall cease to have any force in Porto Rico by virtue of this Act at the time that such trade-mark or design ceases to be exclusive property elsewhere. At any time during six months prior to the expiration of the period of twenty years such registration may be renewed on the same terms and for a like period.

SECTION 218.—That registration of a trade-mark or design shall be prima facie evidence of ownership. Any person who shall reproduce, counterfeit, copy, or colorably imitate any trade-mark or design registered under this Act and affix the same to merchandise of substantially the same descriptive properties as those described in the registration, shall be liable to an action for dam-

ages for the wrongful use of such trade-mark or design at the suit of the owner thereof; and the party aggrieved shall also have his remedy in equity to enjoin the wrongful use of such trade-mark or design.

SECTION 219.—That no action or suit shall be maintained under the provisions of this Act in any case when the trade-mark or design is used in any unlawful business, or has been used with the design of deceiving the public in the purchase of merchandise, or under any certificate of registry fraudulently obtained.

SECTION 220.—That any person who shall procure the registry of a trade-mark or design, or of himself as the owner of a trade-mark or design, or an entry representing a trade-mark or design, in the office of the Secretary of Porto Rico, by a false or fraudulent representation or declaration, orally or in writing or by any fraudulent means, shall be liable to pay any damages sustained in consequence thereof to the injured party.

SECTION 221.—That the Secretary of Porto Rico is authorized to make rules and regulations governing registration under this Act, and for the transfer of the right to use trade-marks and commercial designs, and shall collect the sum of ten dollars in addition to the fee for recording as provided by law for each trade-mark or design.

SECTION 222.—That all laws, decrees, or military orders, or parts thereof in conflict herewith, are hereby repealed.

CHAPTER VI.

PAWNBROKERS.

SECTION 223.—No person must carry on the business of pawnbroker by receiving goods pawned, or in pledge for loans, without first obtaining a license. There must be no other or greater amount received by any pawn-

broker, his employees or agents, for interest, commission, discount, storage, or caring for property pledged, than the rate of four per cent per month.

SECTION 224.—Whenever any person makes oath before a municipal judge that any property belonging to him has been embezzled or taken without his consent, and that he has reason to believe or suspect, and does suspect, that such property has been pledged with any pawnbroker, such municipal judge, if satisfied, must issue his warrant to search for the property so taken, and if found, to seize and bring the same before him.

SECTION 225.—The officer to whom said warrant is directed and delivered must execute the same and proceed in the same manner as in case of other search warrants.

SECTION 226.—Upon any property seized by virtue of such warrant being brought before the municipal judge who issued the same, he must cause such property to be delivered to the person so claiming to be the owner thereof, on whose application the warrant was issued, on his executing a bond as hereinafter directed; and if such bond be not executed within forty-eight hours the municipal judge must cause the said property to be delivered to the person from whose possession it was taken.

SECTION 227.—The bond must be in a penal sum equal to double the value of the property claimed, with two sureties approved by the municipal judge in favor of the person from whose possession the property was taken, with a condition that the claimant will on demand pay all damage that may be recovered against him in any suit to be brought within twenty days from the date of such bond, by the pawnbroker from whose possession the property was taken.

SECTION 228.—Every pawnbroker must keep a register, in which must be entered a description of every article pawned to him, with the date of the pawning, the date when the article must be redeemed, the name of the person by whom the same was pawned, and the amount loaned thereon or paid therefor; and in case of the sale of any article pawned or pledged, the pawnbroker must enter upon said register the name of the purchaser, the time of the sale, the price paid therefor, and the register must always be open to inspection and examination of any municipal judge, policeman or other person.

SECTION 229.—If the property pledged is not redeemed within the time agreed upon, the same shall be sold at public auction without redemption to the highest bidder for cash; at which sale the pawnbroker may also bid and become a purchaser. The net surplus of the proceeds of such sale, after paying the amount due to the pawnbroker and the cost of the sale, shall be paid to the pawner or pledger, or his legal representative, on demand at any time within six months after the day of such sale.

In case of the pledge or the pawn of clothes or any article other than books, made in whole or in part of cloth, the sale may take place at any time after thirty days from the expiration of the time agreed upon by the parties for the redemption of the pledge; but in case of other articles, no such sale shall take place until six months after the time agreed upon for redemption.

In all cases before the sale may be made, the pawnbroker shall post for a period of seven days a written notice of the date of the sale, the articles to be sold and the amount for which they were pawned; one notice to be posted at the main entrance of the place of business

of the pawnbroker, one at the main entrance of the Al-caldia, and one notice on another prominent corner of the city or town.

CHAPTER VII.

STANDARD WEIGHTS AND MEASURES.

SECTION 230.—The metric system and the nomenclature thereof shall obtain throughout Porto Rico.

SECTION 231.—The standard meter is the unit of standard measure or length and surface from which all other measures of extension whether lineal, superficial, or solid, are derived and ascertained.

SECTION 232.—The meter is divided into ten equal parts called decimeters, into one hundred equal parts called centimeters, and into one thousand equal parts called millimeters.

SECTION 233.—The decameter contains ten meters, the hectometer one hundred meters, the kilometer one thousand meters and the myriameter ten thousand meters.

SECTION 234.—The hectare for land measure must be measured horizontally and contains ten thousand square meters, the are contains one hundred square meters, and the centare one square meter.

SECTION 235.—The standar liter and its parts are the units or standards of measure of capacity for liquids, from which all other measures of liquids are derived and ascertained.

SECTION 236.—The liter is divided into ten equal parts called deciliters, and into one hundred equal parts called centiliters, and into one thousand equal parts called milliliters.

SECTION 237.—A decaliter contains ten liters, a hec-

toliter one hundred liters, and a kiloliter one thousand liters.

SECTION 238.—The unit of cubic measure or value is the standard cubic meter or stère, this being a cube whose edge is one meter in length.

SECTION 239.—The cubic meter or stère contains 1,000 cubic decimeters; the cubic decimeter, 1,000 cubic centimeters, and the cubic centimeter, 1,000 cubic millimeters,

SECTION 240.—The standard gram is the unit or standard of weight, from which all other weights are derived and ascertained.

SECTION 241.—The gram is divided into ten equal parts called decigrams, into one hundred equal parts called centigrams and into one hundred equal parts called milligrams.

SECTION 242.—A decagram contains ten grams, a hectogram one hundred grams, a kilogram one thousand grams, a myriagram ten thousand grams, a quintal one hundred thousand grams, and a millier one million grams.

SECTION 243.—Contracts made within Porto Rico for work to be done, or for anything to be sold or delivered by weight or measure, must be construed according to the foregoing standards.

SECTION 244.—The authorized standards shall be kept in the office of the Treasurer of Porto Rico and every city and village shall keep a set of regulating standards for purposes of verification.

SECTION 245.—The Treasurer of Porto Rico shall exercise supervision over the system of weights and measures and shall send an inspector to make investigations whenever he deems it advisable.

SECTION 246.—The penalties for using, marking, or

stamping false weights and measures, or selling therewith shall be as provided for in the Penal Code.

TITLE VIII.

GENERAL ROAD LAW.

SECTION 247.—That for the purposes of this chapter Porto Rico is hereby divided into seven road districts, which shall be known and designated as follows:

1. Road District of San Juan.
2. Road District of Arecibo.
3. Road District of Aguadilla.
4. Road District of Mayagüez.
5. Road District of Ponce.
6. Road District of Guayama.
7. Road District of Humacao, *Provided*, however, that the Islands of Vieques and Culebra shall not be a part of any road district.

SECTION 248.—That each of the road districts hereinbefore named shall be coterminous with and shall include the same municipalities as the correspondingly named election districts; *Provided*, however, that, if the Executive Council shall hereafter make a new division of Porto Rico for the purpose of the election of members of the House of Delegates, the said road district shall be changed to conform with the new election districts.

SECTION 249.—That each road district organized under this Chapter, shall be a body corporate by the name of "The Road District of. . . .". It shall have perpetual succession, may sue and be sued, and, for the purposes for which it is organized, may acquire property within the district limits, by purchase, gift, devise, or by con-

demnation proceedings, and by all other legal methods, and hold, manage and control the same.

SECTION 250.—That the powers of the road district as a body corporate shall be exercised by a board to be known as "The Board of Road Supervisors".

SECTION 251.—That the board of road supervisors shall be composed of three members, to be elected on a general ticket, from the district at large, at a time coinciding with the general elections for Members of the House of Delegates; *Provided*, that no two such members may be residents of the same municipality or municipal district.

SECTION 252.—That the electors for road supervisors shall possess the same qualifications and be subject to the same regulations and restrictions as to registration as the electors for Members of the House of Delegates.

SECTION 253.—That no person shall be elected to the office of the supervisor, unless he possesses the qualifications required of voters for Members of the House of Delegates, and who, in addition, owns real or personal property in his own right and name within the district for which he shall be elected no less in value than two thousand dollars. If at any time during his term of office, a Supervisor fail to meet this requirement the office shall be considered vacant. No member of the board of road supervisors shall during the continuance of his term of office, hold any other public office.

SECTION 254.—That the members of the board of road supervisors shall hold office for a term of two years.

SECTION 255.—That until the election and installation of the board of road supervisors provided for in this Act, the Governor shall appoint all such officers, who shall hold office until the installation of their successors.

SECTION 256.—That in case of vacancy in the board of road supervisors, due to any cause whatsoever, the Governor shall have power to fill such vacancy until the next succeeding election.

SECTION 257.—That the board of road supervisors shall elect one of its members chairman. The chairman shall preside at all meetings of the board, and in case of his absence or inability to act, the members present shall, by resolution, select one of their number to act as temporary chairman.

SECTION 258.—That the compensation of road supervisors shall be four dollars per day for each day of actual service, but in no case shall such compensation exceed two hundred dollars (\$200) per year. From this the supervisors shall pay all their travelling expenses.

SECTION 259.—That there shall be four regular sessions of the board of road supervisors each year, commencing on the first Monday of February, May, August, and November, and such session shall be held in the town of the municipality having the largest population within the respective road district, and no regular or special meeting of the board shall be held in any other place, unless with the previous approval of the Commissioner of the Interior. Notice of any change in meeting place must be given to each road supervisor at least two weeks before the date of such meeting.

SECTION 260.—That special sessions may be held at such times as a majority of the board may deem necessary, and at such special sessions they may do and perform any duties which they might do and perform at any regular session of the board; *Provided*, however, that at least two weeks' notice of such meeting be given to every member of the board.

SECTION 261.—That two of the supervisors aforesaid

shall constitute a quorum for the transaction of business.

SECTION 262.—That the board of road supervisors shall select at their first regular meeting one of their number who, in addition to the regular duties as supervisor, shall act as secretary to the board of road supervisors and auditor of the district, and shall receive no additional compensation for such service.

SECTION 263.—That the district secretary and auditor shall keep the books and accounts of the board and accurate record of their proceedings, and shall carefully present all documents, books, maps and papers required to be deposited and kept in his office. He shall certify all moneys into the district treasury, specifying by whom to be paid, and to what funds they are to be credited, charge the treasurer therewith and take receipts therefor.

SECTION 264.—That the board of road supervisors shall elect a qualified voter, not a member of the board, treasurer of the district, and the treasurer so chosen shall receive and have charge of all moneys belonging to the district. He shall hold such moneys at all times subject to the order of the board, and shall pay them out only upon the order of the majority of said supervisors and not otherwise; before the person so chosen as treasurer shall be entitled to act as such and within ten days after his appointment, he shall execute a good and sufficient bond in double the amount liable to come into his hands, with two or more land holders as sureties in such amount, and in such manner as the Treasurer of Porto Rico shall determine, conditioned for the faithful discharge of his duties as such treasurer. He shall receive such compensation for such services as treasurer as may be fixed by the board of road supervisors, not to exceed four per cent of the amount of mon-

ey that comes into his hands, excepting such amount as he receives from his predecessor, or such amount as may be borrowed for the use of the district; *Provided*, further, that the treasurer shall reside in the town which shall be the district seat.

SECTION 265.—That every road district treasurer shall keep books of account and deposit all moneys and make all disbursements in such manner and form as may be prescribed by the Treasurer of Porto Rico, and the board of road supervisors shall make such annual and other reports of the financial operations to the Treasurer of Porto Rico, as said Treasurer may require, and all such books of accounts and reports shall be in accordance with forms and methods prescribed by the Treasurer of Porto Rico.

SECTION 266.—That the road supervisors shall have charge of the municipal or vicinal and rural roads of their respective districts, and it shall be their duty to keep the same in repair and to improve them so far as practicable. Whenever the available means at their disposal will permit, they shall construct permanent roads, beginning where most needed. The work on roads shall be done timely and in accordance with the best known methods of road making.

SECTION 267.—That in order to insure efficiency, the road supervisors may employ a general superintendent outside their own body to work and to execute their orders, or they may divide the work, let contracts, appoint overseers, employ laborers or such other agencies as they may deem expedient and most advantageous to the interest of the district.

SECTION 268.—That the board of road supervisors shall enjoy the power, subject to the provisions of this Act:

First. To take and have the care and custody of all real and personal property owned by the district.

Second. To cause to be surveyed, viewed, laid out and recorded such district highways as are necessary for public service.

Third. To cause to be recorded as highways, in the office of the Comissioner of the Interior, all highways which have become such by usage, dedication, abandonment to the public, or by any other means provided by law, and the preparing and recording of proper deeds and titles thereto.

Fourth. To abolish or abandon such highways as are not necessary.

Fifth. To acquire the right of way over private property in accordance with the law of eminent domain.

Sixth. To cause any water course to be straightened or cleaned for the protection of any bridge or highway under their supervision.

Seventh. To provide for the construction, improvement or strengthening of any bridge constituting part of a district highway.

Eighth. To provide for the strengthening of the banks of such streams as may endanger any district highway.

Ninth. To establish toll bridges on roads in their charge, the cost of construction of any one bridge to be not less than \$3,000; to provide the rules for collecting such tolls and to see that they are turned into the district treasury to be used for road expenditures.

SECTION 269.--That in letting contracts, employing laborers or in purchasing tools, machinery or materials,

the road supervisors shall not have directly or indirectly any personal pecuniary interest in connection therewith and no contract shall be let, nor shall any tools, machinery or materials be purchased except as ordered by the board at an authorized meeting.

SECTION 270.—That the board of road supervisors of each district shall as soon as possible after their election appoint a district engineer, whose compensation shall be fixed by the said board, subject to the approval of the Commissioner of the Interior.

SECTION 271.—That the execution of the plans of road and highway improvements shall be placed under the direction of the district engineer subject to the provisions hereof.

SECTION 272.—That any two or more road districts may combine in the selection of a district engineer who shall then be empowered to exercise the duties of his office in such districts, and the compensation paid the said engineer shall be apportioned by agreement among the road districts concerned.

SECTION 273.—That the superintendent of public works shall, with the advice of the board of road supervisors and the co-operation of the district engineers, as soon as possible after the passage of this Act, draw up a general plan of all the roads and highways of Porto Rico, exclusive of present and prospective insular roads, together with his suggestions for improvements; on the basis of this plan the Commissioner of the Interior shall make, subject to the approval of the Executive Council, the following classification:

First. Municipal or vicinal roads, which shall be those joining two or more municipal districts.

Second. Rural roads, which shall be those

wholly within and for the exclusive use of one municipal district only.

The construction, maintenance and repair of all such roads shall thereafter constitute a charge on the district treasury.

SECTION 274.—That the board of road supervisors at the session beginning the first Monday of May shall proceed with the formation of a general plan for the improvement and repair of highways for the next fiscal year. This plan together with the estimate thereon shall be submitted to the Superintendent of Public Works on or before the first day of June.

Said Superintendent may return such plans to the district board with such modifications or amendments as he may deem necessary. If a majority of the board fail to concur in such amendments the final decision shall rest with the Commissioner of the Interior.

SECTION 275.—That after the requirements of the previous section are complied with, and before the first of October of each year, the district engineer shall submit to the Superintendent of the Public Works the plans for the technical execution of the highway improvements as provided for by the board of supervisors. The said Superintendent shall have power to suggest such modifications of the engineering features of the plans as he may deem necessary. In case of difference of opinion between the district engineer and the Superintendent of Public Works, the final decision shall rest with the Commissioner of the Interior.

SECTION 276.—That whenever any district highway or bridge has been damaged by flood, hurricane or earthquake, the board of road supervisors is hereby empowered in cases of such emergency to undertake the repair of such highways or bridges without the

previous approval of the Superintendent of Public Works or the Commissioner of the Interior.

SECTION 277.—That at the first regular session after the final approval of the plan of road and highway improvements of the ensuing fiscal year as herein provided for, the board of road supervisors shall advertise the letting of the work in at least one newspaper of general circulation for a period of at least thirty consecutive days. The contract shall be let to the lowest responsible bidder, taking from him a bond in a sum fixed by the board payable to the district, with good sureties for the performance of the work in a proper manner and within the time therein named. But no bid shall be accepted that exceeds the estimated cost of such work and the board of road supervisors may reject all bids.

SECTION 278.—That any supervisor who shall have an interest, direct or indirect, in any contract for materials or services to be furnished to the district shall be punished with a fine not exceeding two thousand dollars (\$2,000) nor less than two hundred dollars (\$200) to be recovered in civil action for the use of the district, and such Supervisor shall forfeit all payments or compensations for such contract or supplies, and be removed from office.

SECTION 279.—That in case the board of road supervisors fail to present a plan of the road and highway improvements to the Superintendent of Public Works, within the time herein specified, the said Superintendent, with the approval of the Commissioner of the Interior, may proceed with the formation of such plans of improvements.

SECTION 280.—That the Treasurer of Porto Rico shall as often as he shall deem necessary or proper, appoint

a suitable person or persons to make an examination of the books of every road district treasurer. Such person shall have power to make a thorough examination into the affairs of the district and in so doing to examine the officers and agents thereof on oath and shall make a full and detailed report to the Treasurer of Porto Rico.

SECTION 281.—That if upon the examination of such accounts it be found that the accounts of the district treasurer are in an unsatisfactory condition or the Treasurer of Porto Rico has reason to suspect any irregularities in such accounts, he may forthwith suspend the district treasurer pending an examination. If after such examination there exists sufficient proof of malfeasance, negligence or inefficiency, the Treasurer of Porto Rico may remove such district treasurer and forthwith institute such criminal and civil proceedings as may be necessary to protect the interests of the district.

SECTION 282.—That in order to carry out the provisions of this Act, it is hereby ordered, that no less than twenty-five per centum of all taxes collected on real property within the rural portion of every municipal district shall be set aside as collected by the common council thereof and designated as "road funds". The money or moneys thus set aside shall be kept as a separate fund, and shall be turned over by the said municipal council to the board of road supervisors of the district within which the municipality shall be situated in such manner and form as the Treasurer of Porto Rico shall direct. The exact percentage of such road funds within the limits herein specified shall be fixed annually before the first day of April in each and every year by the councils of the respective municipalities and

such per centum shall be the road fund for the succeeding fiscal year,

SECTION 283.—That the Commissioner of the Interior shall have power to inspect in such form as he may see fit, the work done on the municipal and rural roads in pursuance of the provisions of this Title, and for this purpose he shall have authority over the district engineers similar to that hereby conferred upon the Treasurer of Porto Rico over the district treasurer and auditor.

SECTION 284.—That the Executive Council shall prescribe such rules and regulations, not in conflict with this Title, as may be necessary to carry out the provisions hereof, and shall also prescribe the manner in which records of the board of road supervisors shall be kept and their business transacted.

TITLE IX.

REVENUES.

CHAPTER I.

ASSESSMENT OF PROPERTY.

SECTION 285.—That, for and during the fiscal year beginning the first day of July, nineteen hundred and two, and ending the thirtieth day of June, nineteen hundred and three, and in every succeeding fiscal year, unless otherwise provided by the Legislative Assembly of Porto Rico, there shall be levied and collected in Porto Rico, for the purpose of providing insular revenue, a tax of one-half ($\frac{1}{2}$) of one (1) per-cent upon the value of all real and personal property other than that of institutions, corporations and companies incorporated under the laws of Porto Rico and corporations, joint-stock and limited-liability companies not incorporated

in Porto Rico but engaged in the transaction of business therein; and a tax one-half ($\frac{1}{2}$) of one (1) per-cent upon the value of all real property and of one (1) per-cent upon the value of all personal property of every such institution, corporation, joint-stock and limited-liability company owned by them as determined by this Title, and the personal property of such institutions, corporations, joint-stock and limited-liability companies shall be exempt from taxation by municipalities and other local divisions.

PROVIDED, that for the purposes of the assessment and collection of the taxes on the property of institutions and corporations as imposed in this Section all cattle and other live-stock belonging to said institutions or corporations and all other property or improvements on property belonging to the said institutions or corporations which is appurtenant to said property and can be identified as permanently existing within any municipality shall, for the purpose hereof, be considered as real property belonging to said institutions or corporations and shall be so classed and assessed in the same manner as is all other real property in Porto Rico, and that the municipality within which said cattle, live-stock or improvements are permanently located shall be entitled to collect from said institutions or corporations the property tax for municipal purposes at the same rate and in the same manner as provided for herein for the collection of the property tax for municipal purposes on all other real property situated within such municipality.

SECTION 286.—That it shall be the duty of the Treasurer of Porto Rico to make a revision of the assessment of property in Porto Rico, for purposes of taxation, and to assess all property subject to taxation not heretofore

assessed, as need for such revision and assessment arises. Such revision of the assessment and the assessment of property not heretofore assessed shall be made solely in accordance with the provisions of this Title.

SECTION 287.—That, for the purpose of inspecting the payment of the taxes herein provided, there shall be in the office of the Treasurer a chief of the bureau of internal revenue, and said chief in addition to the duties and powers conferred upon him in Sections 362 and 363 hereof, shall also supervise the revision of the assessment of property and the assessment of property not heretofore assessed.

SECTION 288.—The Treasurer shall establish convenient assessment districts for the assessment and revision of the assessment of property for purposes of taxation, and shall also establish convenient inspection divisions for the inspection of the payment of the property, excise and inheritance taxes; and, for the purpose of securing proper assessment, and inspection in the field of the payment of said taxes, the Treasurer is authorized to appoint two internal revenue agents-at-large and twenty-one internal revenue agents. Such agents shall receive such salaries as may be fixed by law and shall in addition be reimbursed for all necessary travelling expenses incurred while actually engaged in authorized travel; *Provided*, that a per diem of two dollars and fifty cents shall be allowed in lieu of actual cost of subsistence (board and lodging) while so travelling.

SECTION 289.—It shall be the duty of the Treasurer to cause to be prepared the necessary books, blanks, and other forms required for prosecuting the work of revising and keeping complete the assessment of property as provided for by this Title, and to publish such ins-

tructions as may be necessary for the guidance of tax-payers and for the instruction of internal revenue agents and other officers charged with the duty of assessing or revising the assessment of property; and to cause to be prepared complete schedules for the assessment of all kinds of real property, and separate schedules for the assessment of personal property which is or may be subject to taxation under the laws of Porto Rico, to which schedules he may add such interrogatories as he may deem proper for the purpose of securing a full disclosure of all such property. The work of the revision of assessment and the assessment of property not heretofore assessed shall be done by the internal revenue agents provided for by this Title who shall be detailed for such duty by the Treasurer, and when so detailed such agents shall be known as assessors and shall have and exercise the powers conferred in this Title upon officers designated as assessors; and whenever the term assessors is used in this Title, or in any regulations, schedules or forms issued in compliance with this Title, reference is had to internal revenue agents designated to act as such assessors. The internal revenue agents provided for by this Title, and acting as such, shall, also, as directed by the Treasurer, investigate and report upon all cases of delinquency in the payment of taxes, and all complaints made by tax-payers regarding the amount, payment or other conditions of their taxes; and, when so ordered by the Treasurer, shall serve writs levy attachments, and superintend the execution and sale of the property of delinquents in the manner provided herein, and shall assist the collectors or deputy-collectors in the performance of such duties. They shall have free access to the record of the registrars of property, shall report on all alienations of property

subject to taxation, and shall appraise and report on the estates of decedents and secure the full payment of the inheritance tax on legacies.

SECTION 290.—All property not expressly exempted from taxation shall be assessed. Real property shall include all land and all buildings, and fixtures and machinery thereon and appurtenances thereto, including timber growing upon the land, and mines, minerals, and quarries in and under the land; personal property shall include live-stock, money, credits, bonds, stocks, dues, franchises, concessions, and all other matters and things capable of private ownership and not included within the meaning of the term "real property".

SECTION 291.—The following property shall be exempted from assessment:

- (a) Property of persons whose total property is assessed for less than one hundred dollars.
- (b) Property of the United States and property exempted from taxation by the laws of the United States; property of the People of Porto Rico, except as provided in Section 294 of this Title; property of any municipal district or other local division devoted entirely to public use, even though such property should be a source of revenue to such municipal district or local division.
- (c) The indebtedness owed by any taxable person, association or corporation, to the extent and in the manner prescribed in Sections 296 and 297 of this Title.
- (d) Shares of capital or stock in institutions, corporations or companies organized under the laws of Porto Rico when the property of such corporations is exempt or when such

shares are taxable to said institutions, corporations or companies themselves, to the extent and in the manner prescribed in Section 316 of this Title.

(e) Every building used and set apart exclusively for religious worship, and the pews and furniture within the same; every building used and set apart for educational, literary, scientific or charitable purposes, and the furniture, appliances and apparatus appurtenant thereto; and every tract of land, not exceeding five cuerdas in extent, upon which such building or buildings is or are situated *Provided*, that such grounds and buildings are not leased or otherwise used with a view to the pecuniary profit of either the lessor or lessee.

(f) Cemeteries, tombs, and the rights of burial, so long as the same shall be dedicated for the burial of the dead and no dividends or profits derived therefrom, except in the case of dividends or profits derived from cemeteries owned by municipalities.

(g) Fish in the possession of the fishermen by whom caught.

(h) The growing crops and products of the land actually owned by and still in the hands of the producer.

(i) The professional tools or working tools of mechanics, or artisans, moved or worked exclusively by hand.

(j) Household furniture, wearing apparel, and provisions and fuel kept for the use and consumption of the person to whom they belong. But nothing in this Title contained shall be

held to exempt agricultural machinery, or the furniture or utensils and provisions of hotels, restaurants and eating-houses except as provided for in the preceding paragraphs.

- (k) All educational and professional books and private libraries.
- (l) All family pictures.
- (m) Non-interest bearing mortgage bonds and other obligations used exclusively as guarantees or securities for the proper performance of official duties; liens and censos the interest on which does not exceed five percent per annum, provided the same are specially devoted to carry out testamentary will applying them to charitable or educational purposes. But all property hereby exempted from assessment, in so far as it is real property shall be duly listed, valued and described as is other property; and the Treasurer shall keep a record showing for each piece of real property so exempted its description and estimated value, and by whom it is owned, the reason for its exemption from taxation, and such other information as the Treasurer may deem desirable.

SECTION 292.—Partners in mercantile or other business, whether residing in the same or in different places, shall be jointly taxed under their partnership name in the place where their business is carried on for all the personal property employed in such business, including ships, vessels, boats, and lighters. If partners have places of business in two or more assessment districts, they shall be taxed in each of such places for the proportion of property employed therein. When

so jointly taxed each partner shall be liable for the whole tax.

SECTION 293.—Commission merchants and all persons dealing and trading on commission, assignees authorized to sell, and persons having in their possession property belonging to another, subject to taxation in the assessment district where said property is found, shall, for purposes of taxation be deemed the owners of the property in their possession.

SECTION 294.—So much of the property of any manufacturer, merchant or tradesman as may consist of stocks of material or merchandise shall be listed separately and assessed upon its average market value during the year next preceding the time of assessment; and the assessor may in assessing such stocks require of such manufacturer, merchant or tradesman to produce the last inventory thereof, and if in the judgment of the assessor the same is not correct, or if such time has elapsed since the inventory was taken that it shall have ceased to be reliable as to the value thereof, and such merchant or tradesman should not produce a new inventory within ten days thereafter, or if the assessor does not consider the last inventory to be reliable, then the assessor shall appraise the said stock by personal examination.

SECTION 295.—Each assessor shall furnish each taxable person in his assessment district one or more assessment schedules, each of which shall contain the name and post office address of the assessor. The said schedule or schedules may be filled out either by the said taxable person, at the time of presentation, or, at the request of said taxable person, by the assessor at such time; or the assessor may deliver such blank schedule or schedules to said taxable person, or any

adult member of his household or business establishment, and require said taxable person to return the same to him properly filled out within a period not to exceed ten days, and it shall be the duty of the said taxable person to make upon said schedules a complete return and full valuation of all the real and personal property owned, held or possessed by him and liable to taxation, and to return the same to said assessor within the period of time hereinbefore appointed. Every partnership concern, trustee, administrator, guardian, agent, and every person having any manner of title, either legal or equitable, or having possession of, holding or claiming in any manner anything required to be returned in said form or schedule shall be held subject to the provisions of this Title and shall be required to make return upon said schedule as herein provided. Whenever property is owned, held or possessed by more than one person, as administrator, executor, trustee, or in any fiduciary representative capacity, any one of them may make oath required by Section 299 of this Title; and every schedule of co-partnership property shall be sworn to by at least one of the members of the partnership.

SECTION 296.—Property in litigation to which the People of Porto Rico is not a party shall be assessed to the person in possession thereof. If such property be on deposit with any administrative, judicial or municipal official it shall be assessed to such official, who shall dispose of a sufficient quantity thereof to pay the taxes thereon unless the taxes thereon be paid by some person possessing, acquiring or claiming a right, interest or title therein, in which case as to the amount paid such payment shall constitute in favor of such payor a prior lien on the property as against all claimants

except the People of Porto Rico. Property commonly reputed to belong to the People of Porto Rico shall be assessed in the name of the usufructuary thereof, if such there be, but such assesment shall not be held to impair the right, title or interest of the People of Porto Rico against all other property of such usufructuary. If the owner or claimant of any property not listed by another person in unknown, the assessor shall value and assess that property with a proper description thereof to " Owner Unknown ".

SECTION 297.—In listing and valuing property for the purpose of taxation, as herein provided, every taxable person is authorized to subtract from his listed credits the bills payable and other bona fide indebtedness owing by him : *Provided*, that such person shall give, if required, an itemized statement of such indebtedness, how secured, where registered, to whom owing, for what incurred, the residence of such creditors, and the amount due each. No such person shall be entitled to any deduction on account of indebtedness not founded on actual consideration, nor on account of any unpaid subscription to any institution, society, corporation or company, nor on account of any indebtedness contracted for the purchase of United States bonds or other non-taxable property. The said deduction for indebtedness shall in no case exceed the amount of credits listed, except in the case of mortgages as provided in Section 298 of this Title and if there be no credits listed there shall be no debts deducted, except as aforesaid. *Provided*, that no deduction shall be made for indebtedness existing outside of the Island of Porto Rico. The respective assessors are hereby directed to strike out or disallow all such indebtedness as they may believe fraudulent, fictitious, or otherwise invalid

under the provisions of this Title and, for their better information concerning the validity of such indebtedness, the assessors are hereby authorized and directed to demand and solicit, whenever in their judgment such demand and solicitation may be necessary, from registrars of property, the aforesaid creditors, and the assessors of the assessment district in which the aforesaid creditors may have been reported to reside, all necessary information and data concerning the validity of such indebtedness as the said registrars, creditors and assessors may possess. And said registrars, creditors and assessors shall answer all such questions freely, truly, and without charge, under the pains and penalties provided in Section 355 of this Title.

SECTION 298.—Every mortgage, censo, deed of trust, contract or other obligation by which a debt is secured, shall, for the purposes of assesement and taxation, be deemed and treated as an interest in the property affected thereby. In case of debts so secured the value of the property affected by such mortgage, censo, deed of trust, contract or obligation, less the value of such security, shall be assessed and taxed to the owner thereof in the municipal district or other local division in which the property is situated. But no tax shall be paid by the mortgagee or creditor upon any such security which by clear and unequivocal covenant contained therein is made payable by the mortgagor or debtor, but the same in such case shall be taxable to and paid by said mortgagor or debtor. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security; but if paid by the owner of the property said taxes shall constitute a payment upon the debt and to the extent of such payment a full discharge thereof.

SECTION 299.—It shall be the duty of every person owning property liable to taxation under the laws of Porto Rico, who has not received the assessment schedule as provided in Section 294 of this Title, to appear before the assessor in his assessment district prior to the first day of March of each year, and fill up said schedule and swear to the same, as hereinafter provided. And if such person fails to report, as aforesaid, to said assessor, the assessor shall, upon the best information he can obtain, value and assess the property of such person at its actual market value, and the wilful failure on the part of the owner of such property to make return thereof, as herein provided, shall be deemed a misdemeanor punishable upon conviction thereof by a fine not exceeding one hundred dollars.

SECTION 300.—Every person liable to taxation under this Title shall, at the time of returning said list or schedule to said assessor, take or subscribe the following oath:

"I,....., being duly sworn,
 "say that to the best of my knowledge, information
 "and belief the foregoing statement contains a full, true
 "and complete list of all property held or belonging to
 "me (or to me as a partner, or in my possession as
 "trustee, administrator, guardian, committee of a lunatic, or agent), and that all such property has been
 "fully and fairly described and its true condition and
 "value represented; that I have in no case sought to
 "mislead said assessor as to the quantity or quality of
 "said property, and that the deductions claimed from
 "credits are bona fide debts for a consideration received
 "and do not consist in any part of fictitious debts, or
 "unpaid subscriptions to any institution, society, corporation or company; that I have not, directly or in-

“directly, converted or exchanged any of my property
 “temporarily for the purpose of evading the assessment
 “thereof for taxation into non-taxable property or
 “securities of any kind.

.....

“Subscribed and sworn to before me, this.....
 “day of....., 190 .

.....
 Assessor.”

SECTION 301.—If any person shall fail or refuse to list or report any bonds, notes, censos, claims or other evidence of debt which are subject to assessment for purposes of taxation under the provisions of this Title the same shall not be recoverable by action at law or suit in equity before any court or courts of the Island until they have been properly listed and the taxes and penalties provided in this Title are paid thereon.

SECTION 302.—It shall be the duty of each assessor upon the return to him of the said assessment schedules, to examine each item carefully and to settle and determine the value of the same, assessing each at its actual market value without looking to a forced sale. If the assessor increases the valuation of any item as made by the owner or other person listing the same, he shall serve a written or printed notice of such increase upon said person either personally or by leaving the notice at the residence of said person, or upon the premises the assessment of which has been so increased, and unless said person, or an authorized agent, of said person, shall appeal from such assessment to the permanent board of review and equalization, as herein-

after provided, such assessment shall be final and binding.

SECTION 303.—Whenever the said assessors, prior to the filing of their returns with the Treasurer, shall discover or receive creditable information that any real or personal property has been omitted in their respective districts, or that such property has not been properly assessed, they shall proceed forthwith to correct the schedules and add such property thereto.

SECTION 304.—If any person so required fails to fill out and return the assessment schedule within the period of ten days after the delivery of the same, it shall be the duty of the assessor to proceed at once to assess and value all the property of said person taxable in his assessment district at its actual market value, and the wilful failure of such person to make the return as herein required shall be deemed a misdemeanor, punishable, upon conviction thereof, by a fine not exceeding five hundred dollars.

SECTION 305.—In listing or valuing the property of persons who have made no return of the same, as provided in Sections 299 and 304 of this Title, the assessor is authorized to examine, under oath or affirmation, any person who he may believe has knowledge of the amount and value of said property; but for the taking or administering of said oath or affirmation no charge shall be made.

SECTION 306.—The several assessors are hereby authorized to administer the required oath or affirmation to any person or persons listing and valuing their property as described by Section 300, preceding, for the taking of which oath or affirmation no charge shall be made. Any assessor who shall make any charge for administering such oath or affirmation shall be deemed

guilty of a misdemeanor, and, upon conviction thereof, be punished by a fine not exceeding five hundred dollars.

SECTION 307.—As fast as the assessment or revision of the assessment of property as herein provided is made, or at such intervals of time as may be fixed by the Treasurer, each assessor shall promptly transmit the completed schedules to the Treasurer, who shall cause the same to be examined, arranged and delivered to the permanent board of review and equalization, as provided in Section 308 of this Title.

SECTION 308.—For the purposes of revising the assessment or reassessment of real and personal property as provided by this Title, and for the purpose of passing upon all claims made by tax-payers in respect to the assessment of their properties, there shall be a permanent board of review and equalization, composed of the Treasurer of Porto Rico, the Secretary, and the Commissioner of the Interior, and two other persons, citizens of Porto Rico, versed in matters pertaining to the value of property in Porto Rico. Said two persons shall be appointed by the Governor, by and with the consent of the Executive Council, and shall receive such compensation as may be fixed by the Governor, but not to exceed ten dollars for each day's attendance at the meetings of the board, and actual cost of transportation necessarily incurred. Each of the members of said board shall take an oath fairly and impartially to pass upon questions coming before them according to law. Any four of them shall constitute a quorum. The Treasurer shall be ex-officio chairman of said board.

SECTION 309.—Tax-payers shall be promptly notified by the Treasurer of all original assessments or reassessments made on their properties by the serving of a

written notice on the owner of the property, or, in case of his absence, on the person in charge of the property. Any person aggrieved by the action of the assessor in relation to the valuation of his property may make written complaint thereof to the said board of review and equalization, which complaint shall consist of a specific statement of the particular errors complained of, with such facts as may lead to their correction: *Provided*, however, that no such complaint or claim shall be considered by said board unless it is presented within fifteen days after the aggrieved tax-payer has been notified by the Treasurer, as herein provided, of the assessment or re-assessment of his property; *Provided*, also, that no statements or arguments in behalf of such complaint or appeal shall be considered except those presented by the aggrieved person himself or his duly accredited agent.

SECTION 310.—The said board of review and equalization shall hear the appeal and determine anew any questions arising before the board which relate to the liability of the property to assessment, or to the amount thereof, and, upon recording such determination, shall correct the assessment books or schedules in accordance with their decision, or shall order such correction to be made by the Treasurer, if said books or schedules be in his possession. Said board shall have power to abate, lessen or increase the valuations made in any schedule returned to it, whether any complaint has been made in relation thereto or not, and to decide all other complaints in respect to the assessment of taxes and to correct all errors as they may be brought to its attention; *Provided*, however, that no increase shall be made in the valuation of property of any person unless such person shall have been given at least five days notice

of the intention to make such increase, in the manner provided for in Section 302 of this Title. The decision of the board in all matters coming before it shall be final. In executing the duties imposed upon it by this Title the said board may examine, on oath or affirmation, any person or persons who may have knowledge of or information concerning the value of property subject to taxation, and any member of said board may administer the oath or affirmation.

SECTION 311.—Every appeal decided by said board and every valuation changed by said board shall be recorded in a book provided by the Treasurer for such purpose, together with the date upon which such decision was made or such change recorded, and the appellant or owner of the property whose valuation has been changed or whose rights have been affected by said decision shall be notified of the same in writing, and entry shall be made in said record of the action of the board that the notices required by this Section to be sent to tax-payers have been given or posted, which entries shall be conclusive evidence of the giving or posting of the notices required.

SECTION 312.—Upon the completion of the work of revision and examination of assessments by the board of review and equalization, the Treasurer, as chairman of said board, shall endorse and sign upon each assessment book, as corrected in accordance with the decisions of board, a statement to the effect that the same is the assessment book for the district to which it relates, and said assessment book shall, when so endorsed, constitute the assessment of property for purposes of taxation for the fiscal year beginning on the first day of July following, and shall be conclusively presumed by all courts and tribunals to be valid and shall not be

changed or set aside except by way of the correction of manifest error.

SECTION 313.—The said board of review and equalization shall deliver to the Treasurer all the books, schedules, records and papers which may have been received or used by said board in its work of correction and revision. During the progress of said work of correction and revision the Treasurer shall furnish said board with the clerical assistance, books, and stationery necessary for the proper execution of the duties of said board.

SECTION 314.—When the schedules containing the assessments have been duly examined, verified, corrected and revised, as hereinbefore provided, the Treasurer shall cause the schedules to be securely bound in book form, with appropriate titles and indices if necessary. The schedules relating to the assessment of real property and of personal property, respectively, shall be bound in separate volumes. No book shall contain the schedules of more than one assessment district, and when endorsed and signed by the Treasurer, as chairman of said board, said bound schedules shall constitute the assessment book of the district to which it relates, in accordance with which the tax provided by law shall be levied and collected.

SECTION 315.—Taxes upon real property shall be primarily assessed against the property, and it shall be the duty of the assessor in making the assessment, or in revising the existing assessment, to list each piece or parcel of real estate separately and to give for each its assessed value, together with a description of it and the name and address of its owner in so far as such information can be obtained. Where the real property embraces both land and improvements, the assessed value of the land and of the improvements, must

be given separately. The tax that is assessed against each piece or parcel of real property, including any improvements that may be thereon, or that may be subsequently placed there, shall constitute the first lien thereon, and shall be prior to all other liens whatsoever on said property, whether the said liens attach before or after the lien of said taxes. Every notice of attachment for delinquent taxes, whether real or personal, shall have the effect of a judgment against all the property of the delinquent attached, and every lien herein created shall have the force and effect of an execution duly levied.

SECTION 316.—The real property and all interest in or debts other than bonds secured by real property of institutions, corporations and companies incorporated under the laws of Porto Rico shall be assessed in the assessment district in which said real property is situated; *Provided*, however, that for purposes of taxation the real property of railroad and railway companies whose lines touch or extend through more than one municipal district or local division shall not be held to include the roadbed, bridges and tunnels of said railroad and railway companies. Whenever so notified, the president, director or other chief officer of every such institution, corporation or company shall furnish to the assessor of the assessment district in which such corporation or company shall own or possess any real property or any interest in or debt secured by real property, a true statement and valuation of such real property, interest in or debt secured by such real property, and such statement and valuation shall be accompanied by the sworn declaration of said president, director or other chief officer, similar to the oath or affirmation provided in Section 300 of this Title, that the

same is a true and complete list and full and fair valuation of all the real property and of every interest in or debt secured by real property in said assessment district that is owned, held or possessed by said institution, corporation or company. The assessor shall assess said property, interest or debt, and send duplicate certificates of such valuation and assessment to the Treasurer of Porto Rico and to such president, director and other chief officer. If the valuation made by said president, director or other chief officer shall have been increased by the assessor, said institution, corporation or company shall have the right of appeal to the permanent board of review and equalization accorded to individuals by this Title.

SECTION 317.—The personal property of institutions, corporations and companies incorporated under the laws of Porto Rico shall be assessed to such institutions, corporations and companies by the Treasurer of Porto Rico in the manner provided by this Section. The actual present value of the capital of such corporations shall be ascertained by the Treasurer of Porto Rico from the sworn declarations of the president, directors or other chief officers of such corporations as required by Section 319, and from such other reliable information as the treasurer may have or secure, and the present actual value shall in no case be less than the value of the capital stock and bonds plus the surplus and undivided earnings of said institutions, corporations and companies, nor less than the market value of the real and personal property of said institutions, corporations and companies, including in personal property all credits, rights, franchises and concessions. From the valuation thus obtained shall be deducted the total valuation of real property of said corporations, as ascertained in ac-

cordance with the provisions of Section 316, and the remainder shall be deemed to represent the personal property of said corporations for purposes of taxation.

SECTION 318.—If the total valuation of the capital of any such institution, corporation or company, as reported by the president, director or other chief officer thereof, shall be increased by the Treasurer, the Treasurer shall notify said president, director or other chief officer thereof and said institution, corporation or company shall have a right of appeal from such valuation to the board of review and equalization: *Provided*, said institution, corporation or company shall file a notice of protest with said board within fifteen days of the sending of said notification.

SECTION 319.—Whenever so notified, the president, director or other chief officer of every institution, corporation and company incorporated under the laws of Porto Rico shall deliver to the Treasurer of Porto Rico the duplicate statement of real property, interest in and debt secured by real property, hereinbefore mentioned, together with a list and valuation of all other property owned, held or possessed by said institution, corporation or company; such property shall be listed in detail and the said list shall contain, in addition to the true and complete answers to such interrogatories as the Treasurer may propound, a statement of the capital, (and of the par and market value of the shares of the capital, if said capital be divided into shares), the value of plant and machinery owned, the amount of bonds issued, their market value, and the respective names and residences of the holders of said bonds; all credits and all indebtedness; all interest, shares or proportions in any ship or vessel, whether such ship or vessel be in or out of port; the gross and net earnings

during the last business year; the amount of deposits (if moneys or other valuables be received on deposit); all money, and the nature and value of all franchises and concessions owned, held or possessed by said institutions, corporations or companies. The said president, director or other chief officer, at the time of returning said lists and valuations to the Treasurer, shall make and subscribe an oath of the truth and completeness of said lists and valuations, in substance the same as the oath or affirmation required from private owners of property in Section 300 of this Title; and the said lists or valuations shall be upon blank forms of schedules to be furnished by the Treasurer upon application of said institutions, corporations or companies.

SECTION 320.—The assessment of every corporation, joint-stock and limited-liability company not incorporated in Porto Rico but engaged in the transaction of business therein shall be made in the manner provided by this Title for the assessment of the property of institutions, corporations and companies incorporated under the laws of Porto Rico: *Provided*, however, that in the determination of the actual present value of the capital of such corporations only such part of the capital of such corporations shall be considered and assessed as is employed in the transaction of business in Porto Rico, but the amount of such capital shall in no case be less than the value of the real and personal property of such corporation or company situated in Porto Rico, including in such personal property all franchises or concessions granted said corporation or company under the laws of Porto Rico. All obligations imposed upon institutions, corporations and companies incorporated under the laws of Porto Rico, or upon their

officers, to fill in and return schedules, under sworn statements or otherwise, shall apply equally to corporations, joint-stock and limited-liability companies not incorporated in Porto Rico, and their officers.

SECTION 321.—The value of the rolling stock and roadbed, including bridges and tunnels, of railroad and railway companies whose lines touch or extend through more than one municipal district or other local division shall be assessed by the Treasurer of Porto Rico as a special category of the personal property of such railroad and railway companies, and shall for the purposes of municipal or other local taxation be distributed among such municipal districts or other local divisions in proportion to the mileage of said railroad or railway companies therein, and in the sworn lists and valuations hereinbefore required the president, director or other chief officer of said railroad or railway company shall specify the value of the rolling stock, roadbed and mileage of the road in the several municipal districts or other local divisions through which it passes. It shall be the duty of the Treasurer of Porto Rico to see that the proper municipal or local taxes are charged and collected thereon, and, in ascertaining the value of the capital shares of such railroad or railway company, the Treasurer shall subtract from the total value of such shares the assessed value of the real property and the value of the rolling stock and roadbed of such railroad or railway company.

SECTION 322.—Insular, municipal and local taxes upon capital shares and property of the institutions, corporations and companies included within the meaning of this Title shall be payable at the office of the Treasurer, who shall pay, pursuant to law, the proportion of such municipal and local taxes due, to the prop-

er officers of the respective municipal districts or local divisions; and said institutions, corporations and companies are hereby authorized to retain the proportionate taxes upon capital shares from the earnings or dividends accruing to the owners thereof, or to cancel a proportion of said shares sufficient to pay said taxes. Insular, municipal and local taxes upon such institutions, corporations and companies shall be due in semi-annual installments, and all penalties for delinquency and the liability to attachment, seizure and sale of property hereinbefore provided shall apply to such institutions, corporations and companies in the same manner as to private individuals.

SECTION 323.—(Paragraph 1). Any person, and any agent or officer, of any institution, corporation or company who shall give or return a false or fraudulent list, schedule or statement as required by this Title; or who shall wilfully fail or refuse to take and subscribe to any of the oaths, affidavits or affirmations required by this Title; or who shall wilfully refuse to answer any interrogatory which the Treasurer, the supervisor of assessment, or any member of the board of review or the board of appeal is by this Title authorized to propound, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment at hard labor for a term not exceeding one year, or both, at the discretion of the court.

(Paragraph 2).—If any assessor shall wilfully fail or neglect to obtain from any person by him assessed any oath, affidavit or affirmation required by this Title to be administered, he shall forfeit and pay to the People of Porto Rico the sum of twenty dollars for each case of such wilful omission and neglect, which

shall be retained by the Treasurer out of the salary or remuneration of the said assessor, and the Treasurer shall account, pursuant to law, for moneys so retained. If any clerk appointed under this Title, or any assessor or member of a board of review shall wilfully neglect to perform the duties of his office, or shall corruptly receive any fee, reward, emolument or advantage whatsoever intended to influence his conduct or the performance of this duty under this Title, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment for a term not less than six months nor more than five years, or by a fine not less than one hundred nor more than one thousand dollars, or both, at the discretion of the court.

SECTION 324.—No change shall be made in the assessment of any property during any fiscal year because of its transfer or other alienation.

SECTION 325.—Every deed of transfer of real property, or interest therein, and every mortgage or other security for debt secured by real property, made on and after the first day of April, nineteen hundred and one, by any registrar of property, shall be separately and specially recorded by the proper registrar of property, without compensation, in a special transfer book to be furnished by the Treasurer, which shall contain the date and consideration of the transfer or grant; the name and residence of the grantee; the name and residence of the grantor; the name and residence of the person to whom said real property, interest in or debt secured by real property is assessed and taxed, and reference to the archives or records of such registrars in which the said property is more fully described. The said transfer book or transcripts therefrom shall

be transmitted to the Treasurer whenever he may so direct.

SECTION 326.—Property taxes on real and personal property as herein specified, when imposed by municipal districts or other local divisions, shall be assessed upon the valuation of property as herein provided and the maximum of such tax or taxes shall in no case exceed the rate of one-half ($\frac{1}{2}$) of one (1) per cent upon such valuation.

SECTION 327.—The Treasurer shall have authority to issue all such regulations, orders and instructions as may be required for carrying out the provisions of this Title, and such regulations, orders and instructions, when duly issued, shall have all the force of law.

SECTION 328.—The Treasurer shall compute, upon the assessed valuation of the property of each person as recorded in the assessment books, the amount of insular taxes owing by such person, and the said amount shall be entered, with sufficient particularization and description of the person and property taxed, upon suitable books of record. The Treasurer shall deliver, in due time, to the respective collectors such tax receipts or tax rolls as may be necessary, and charge said collectors therewith. The possession of such tax receipts or tax rolls for the taxes due upon any property shall be sufficient warrant, on the part of any collector or deputy-collector, for the collection of said taxes and for the seizure and sale of said property, in the manner hereinbefore provided, if said taxes be not paid within the period of time provided in Section 335 of this Title.

SECTION 329.—For the collection of taxes imposed by this Title, and for such other duties as may be prescribed, the Treasurer is authorized and directed to

create such number of collection districts, not to exceed nine in all, as may be necessary for said purposes; and to appoint for each of said collection districts one collector, who shall give bond to the Treasurer, for the benefit of the People of Porto Rico, in such amount as the treasurer may fix, said bonds to be approved as to form and execution by the Auditor and as to sufficiency of surety by the Treasurer; *Provided*, that said bonds shall be given to cover the liability of such collectors for all revenues and moneys collected and received and for moneys advanced to them from appropriations to pay the salaries and expenses of their respective offices, and *Provided*, further, that from and after April first, nineteen hundred and one, the salaries and expenses of the insular courts outside of San Juan, which are now paid by the respective collectors of internal revenue, shall be paid by the disbursing officer of the department of justice, subject to the approval of the Attorney-General. The Treasurer shall appoint such additional force of deputy-collectors, not to exceed fifty-one in all, as may be required for the proper execution of this Title. Each deputy-collector shall receive an annual salary not exceeding one thousand dollars, and shall enter into bond to the Treasurer in like manner as herein provided for the bonds of collectors.

SECTION 330.—The taxes imposed by Section 285 of this Title shall be payable semi-annually in advance upon the first day of July and January of each year. Such taxes shall become delinquent if not paid within sixty days after the date on which the same become due, and the collectors and deputy-collectors shall collect upon all such delinquent taxes an additional sum of one per-cent of the amount thereof for each month,

or fraction thereof, for which said taxes are so delinquent.

SECTION 331.—No demand for taxes shall be necessary, but it shall be the duty of every person subject to taxation to attend at the office of the proper collector or deputy-collector and pay his taxes in full, for which purposes notices shall be posted in the most frequented public places of the towns and barrios on the first day of the month that the said semi-annual tax is to be collected. Taxes shall be received at the office of such collector or deputy-collector on all days, from 8 a. m., to 11 a. m., and from 1 p. m., to 5 p. m., except Sundays and legal holidays. Each collector is authorized and directed to designate as many sub-collection agencies or offices as may be necessary, and to designate the time at which he or his deputy will be present at such agencies or offices to receive taxes.

SECTION 332.—In settlement of the estates of bankrupts and decedents, the taxes owing by such estates shall be preferred before all other debts. No executor or administrator of the estate of a decedent shall divide or distribute such estate until all the taxes due thereon are paid, and no registrar shall record any instrument of award or partition of the property of any decedent upon which the current taxes have not been paid; and administrators, executors or registrars of property violating this Section shall be liable to the People of Porto Rico for all taxes not collected because of such violation. It shall be the duty of the receiver or other assignee of the estate of any bankrupt or insolvent person to pay out of the estate of such bankrupt or insolvent person all taxes due therefrom to the extent of the value of said estate. No bankrupt shall be discharged and no assignee shall receive any discharge, compensation or commission until said taxes shall have been so paid.

SECTION 333.—Any person having a lien upon property may pay the taxes thereon at any time after said taxes have become delinquent, and the same shall be added to his or her lien and be recovered with the rate of interest borne by the lien. A tenant or lessee of real property may pay the taxes thereon at any time after the same may have become delinquent and may deduct the same from his rent.

SECTION 334.—Within thirty days after the date at which taxes become delinquent, each collector and deputy-collector shall prepare a list of delinquent taxpayers within his district, showing for each the assessment of the property upon which taxes are due and unpaid and the amount of taxes due thereon, and shall append to such list a notice stating that, unless said delinquent taxes, together with the interest provided for by Section 330 are paid within a period of twenty days from the date of said notice, the property of said tax-payer will be attached and sold in the manner hereinafter provided. One copy of said list, with notice attached, shall be sent by the collector or deputy-collector to the Treasurer, and one copy published, and posted in the form and place provided for by Section 336 of this Title.

SECTION 335.—If any person neglects or refuses to pay his or her taxes within the period prescribed in Section 334 of this Title, the collector, deputy-collector, or any other duly deputed agent of the Treasurer, shall, after the written consent of the Treasurer shall have been obtained, proceed to collect the same by the attachment and sale of the property of such debtor, in the manner hereinafter provided.

SECTION 336.—Immediately upon the receipt of the written consent of the Treasurer, the collector, deputy-

collector, or agent, shall make out a written notice of attachment of the personal property of the delinquent tax-payer, which notice shall contain the amount of the delinquent taxes and the interest provided for by Section 330. The said attachment shall be enforceable as soon as notice thereof shall have been served by leaving a copy thereof with the debtor himself or any member of his family or attendants of legal age, and record of such service shall be noted down by the collector, deputy-collector, or agent, for subsequent action. When the collector, deputy-collector, or agent, fails to find any member of said debtor's family or attendants, he shall call in two neighbors as witnesses of the service of the notice of attachment, and he shall leave said notice in the hands of said witnesses, or, if no witnesses be found willing to receive the notice, the same shall be posted or attached to the goods, chattels or other property of the said debtor, whereupon the notice shall be considered as having been served upon the debtor. If at the expiration of ten days after the service of such notice the said taxes and extra charges provided for by Section 330 shall not have been paid, the collector, deputy-collector, or agent, shall proceed to execute the attachment and sell the personal property of said debtor, or so much of the same as may be strictly necessary, to pay the said taxes, penalties and costs. In executing said attachment, the collector, deputy-collector, or agent, is hereby authorized, if necessary, to enter the house of the said debtor with the consent of said debtor, and, if the said consent is not given, then a judicial order shall be presented to enter the house of said debtor. If any such debtor shall offer any resistance to any collector, deputy-collector, or agent, after the presentation of said order

from the court, he shall be guilty of a misdemeanor' and, upon conviction thereof, shall be sentenced to imprisonment not exceeding one year, or to pay a fine of three hundred dollars. In the event of such resistance, the local authorities, or the agents thereof, shall lend the collector, deputy-collector, or agent, all the assistance required for the proper execution of the duties of the collector, deputy-collector, or agent, as provided by this Title.

SECTION 337.—Sale of personal property for the payment of taxes shall be by public auction and strictly of a sufficient amount to pay all taxes, penalties and costs, but the following personal property shall be exempt from sale for the payment of taxes: tools and utensils of mechanics and artisans worked exclusively by hand; cattle, not exceeding two in number, intended exclusively for ploughing or carting products of the soil cultivated by the debtor, or two work horses or one only. of the following animals: milch-cow, horse, mare, mule or donkey, and household furniture as follows: beds, dining tables, chairs and kitchen utensils actually in use by the family.

SECTION 338.—On payment of the price bid for any personal property sold, the delivery thereof, with a bill of sale, shall vest the title thereof in the purchaser. All excesses over the taxes, penalties and costs realized from such sale shall be returned by the collector, deputy-collector or agent to the owner of the property sold, his heirs or assigns. The collector, deputy-collector or agent shall report to the Treasurer the full amount realized of every sale upon attachment, and the disposition of the proceeds thereof. The unsold portion of any such personal property shall left at the place of sale at the risk of the owner.

SECTION 339.—If the personal property of any delinquent tax-payer shall be insufficient to pay the taxes, penalties and costs, owing by him to the People of Porto Rico, or if he shall have no personal property subject to attachment and sale, the collector or the deputy-collector of the district within which such tax-payer resides, or agent, shall notify the treasurer of such facts, and any time after the receipt of such notification the Treasurer shall order the collector, deputy-collector or agent to attach and sell enough of the real property of such delinquent tax-payer to pay said taxes penalties and costs.

SECTION 340.—Immediately upon the receipt of said order of attachment, the collector, deputy collector, or agent, shall affix thereto a certificate describing the property attached, and shall cause the said order and certificate to be recorded in the proper registry of deeds. The aforesaid certificate shall contain the following particulars: The name of the delinquent tax-payer, if known, the assessed value of his property, and the amount of taxes, penalties and costs due thereon; the quality and description of the piece or pieces of property attached, the situation thereof, and the approximate area and boundaries thereof; that the attachment is to hold good in favor of the People of Porto Rico.

SECTION 341.—It shall be the duty of every registrar of property, immediately upon the receipt of any such order of attachment and certificate, to properly record and return the same to the proper collector with the endorsement of the registrar of property thereon showing that the attachment has been duly recorded. No fee shall be charged by any registrar for such service, nor shall the tax provided in Schedule "C" of Section 356 of this Title be imposed.

SECTION 342.—Upon the return of said order and certificate, the collector, deputy-collector or agent, shall serve notice upon the owner of said property, in the manner prescribed in Section 336 of this Title, that if all the taxes, penalties and costs owing by said owner are not paid within the period hereinafter prescribed for advertising the sale of said property, the same will be sold at public auction. The said advertisement shall be for a period of twenty days in the "Official Gazette" and, when practicable, in any other newspaper published in the local district in which said property is located, and notices to a similar effect shall also be posted and the cost of such advertising and posting shall be collected as a part of the costs of sale and paid to the Treasurer. The collector, deputy-collector or agent shall preserve copies of such notice and paper in which said advertisement appeared, and the same shall be prima facie evidence of the proper advertisement of such sale.

SECTION 343.—The time and place at which said auction sale shall take place shall be plainly stated in the said notice of advertisement, and may, in the discretion of the collector, deputy-collector or agent be at the office of the collector, or at the office of the deputy-collector of the local district in which the said property is situated. At the expiration of the twenty days aforesaid, or as soon thereafter as may be practicable, the said property shall be sold by the collector, deputy-collector or agent at public auction to the highest bidder, but no bid shall be accepted for a less amount than the taxes upon said property, together with all costs and penalties thereon, and unless accompanied by a cash deposit of ten per cent of the amount bid, which shall be forfeited in the event of failure on the part of the purchaser to pay the balance of the purchase money upon delivery by

the collector, deputy-collector or agent, of the certificate of purchase, and such delivery shall be made within ten days from the date of sale.

SECTION 344.—The collector, deputy-collector or agent may continue the sale from day to day, if in his opinion such continuation is necessary, and for good and sufficient cause may adjourn the sale for a period not exceeding sixty days, of which due notice shall be given by advertisement, in the manner provided in Section 342 of this Title.

SECTION 345.—If any collector, deputy-collector or agent shall sell or assist in selling any real or personal property, knowing it to be exempt from taxation or knowing that the taxes for which it is sold have been paid, or shall knowingly and wilfully sell or assist in selling any real or personal property for taxes to defraud the owner thereof, or shall in any manner restrain bidders, or shall knowingly or wilfully issue a certificate of purchase of real property so sold, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be fined in a sum not less than one thousand dollars or imprisoned not exceeding one year, or both, at the discretion of the court; and shall be liable to pay the injured party all damages sustained by him on account thereof, and all such sales shall be void.

SECTION 346.—If any collector, deputy-collector or agent shall, directly or indirectly, purchase any part of any real or personal property sold for the non-payment of taxes, he and his sureties shall be liable on his official bond for all damages sustained by the owner of such property, and all such sales shall be void. In addition thereto, the officer so offending shall be deemed guilty of a misdemeanor, and shall, upon con-

viction thereof, be fined in a sum not exceeding one thousand dollars.

SECTION 347.—The collector or deputy-collector shall prepare, sign and deliver to the purchaser of any real property sold for non-payment of taxes a certificate of purchase which shall contain the name and residence of said purchaser, the date of the sale of the said real property, the amount for which it is sold, a statement that said amount has been paid by the purchaser, the amount of taxes, penalties and costs and such description of the property as is required by Section 340 of this Title.

SECTION 348.—The owner of any real property sold for taxes, his heirs or assigns, or duly authorized agents, may redeem the same within ninety days of the issue of the certificate of purchase by payment to the purchaser, his heirs or assigns, of the full amount of the purchase money, with annual interest thereon at the rate of fifteen per cent, together with all costs incurred and taxes due. Upon the payment of such amounts, the redemptioner shall be entitled to receive from the purchaser, his heirs or assigns, the said certificate of purchase. The receipt of the said redemption money by any such purchaser, his heirs or assigns, shall operate as a release of all claims or title to the real property held under or by virtue of any such sale for non-payment of taxes.

SECTION 349.—If the aforesaid purchaser, his heirs or assigns, refuse to accept the tender of redemption money so made, the person so tendering the same shall repeat the tender in the presence of at least two witnesses, and if the tender be again refused, the said person and witnesses shall make oath, before the registrar of property who recorded the certificate of attachm-

ent, that due tender of the lawful amount of redemption money has been made and refused. Whereupon the registrar shall compute from the proper records the lawful amount of redemption money due, in accordance with the provisions of this Title, and upon receipt of the same, shall issue to the redemptioner a certificate of redemption. The payment of such redemption money to said registrar shall restore to said former owner, his heirs or assigns, all the right, title, interest and estate in and to said real property, held by said former owner before the sale for non-payment of taxes.

SECTION 350.—Upon the receipt of such redemption money, in the manner aforesaid, the registrar shall notify the purchaser, his heirs or assigns, of the payment of such money, and shall hold the same subject to the order of said purchaser, his heirs or assigns. Such notification may be sent by registered mail to the last residence of such purchaser, his heirs or assigns, as specified in the certificate of purchase. For his services in the proceedings aforesaid, the registrar shall be entitled to retain from said redemption money a fee of three dollars.

SECTION 351.—After the expiration of ninety days from the date of the sale of any real property for taxes, the registrar of property of the district within which such sale has taken place shall, upon payment of a fee of two dollars, execute, record and deliver to the person to whom the certificate of purchase therefor has been issued or assigned, a deed to such real property then unredeemed; and such deed shall convey to and vest in the grantee all the right, title, interest and estate of the person whose real property has been so sold, and such deed shall be prima facie evidence of the facts recited therein in any

controversy, proceeding or suit involving or concerning the rights of the purchaser, his heirs or assigns, to property thereby conveyed.

SECTION 352.—Every piece of real property offered at public sale for the non-payment of taxes, and not sold for want of bids sufficient to cover all taxes, penalties and costs thereon, may be purchased by the collector, deputy-collector or agent in the name of the People of Porto Rico at any sale after the first offering of such property at public auction. The collector, deputy-collector or agent shall make a public bid for such property, not to exceed the amount of said taxes, penalties and costs, and if no higher bid be offered the collector, deputy-collector or agent shall make out and cause to be recorded a certificate of purchase to the People of Porto Rico, which shall be subject to redemption and which shall vest in the People of Porto Rico the same right, title, interest and estate in the property so purchased as if executed in favor of a private individual. And if such property be not redeemed within ninety days from the date of sale, the registrar of property of the district in which such sale has taken place shall execute and record a deed to the People of Porto Rico, in like manner as a deed to an individual provided in Section 61, and shall at once transmit such deed to the Treasurer to be registered and filed in his office. No fee shall be charged by registrars for the services required in this Section, nor shall the tax provided in Schudele "C" of Section 356 be imposed.

SECTION 353.—(Paragraph 1). Every corporation, joint-stock or limited liability company or association heretofore chartered or incorporated under the laws of Porto Rico, and every such association, corporation or company hereafter chartered or incorporated in Porto

Rico, before proceeding to transact business shall within thirty days from the passage of the "Act to Provide Revenue for for the People of Porto Rico and for other purposes" (approved January 31, 1901), file, with the Treasurer thereof, an authenticated copy of its charter or articles of incorporation, together with a statement, verified by the oath of the president of such corporation and attested by a majority of its administration or board of directors, stating the name or title of such corporation, its domicile, the kind of business engaged in, the branches which may have been established, and the commercial registry in which the articles of association or incorporation have been recorded.

(Paragraph 2).—It shall be unlawful for any corporation, joint stock or limited-liability company or association not incorporated under the laws of Porto Rico to do business therein until such corporation, company or association shall have secured from the Treasurer of Porto Rico a formal license to transact business therein; and no such license shall be issued by said Treasurer until such corporation, company or association shall have paid the license fee hereinafter specified and shall have deposited with said Treasurer a certificate under seal from the Secretary of Porto Rico showing that it has filed in the office of the Secretary an authentic copy of its charter and the statement and certificate of consent required by law.

(Paragraph 3).—It shall be the duty of such corporations, companies or associations to renew their licenses annually, on or before the first day of July of each year, including the first day of July, nineteen hundred and one; but no such renewal shall be issued by the Treasurer until such companies, corporations or asso-

ciations shall have respectively paid the license fees hereinafter specified.

(Paragraph 4). For the issue and renewal of every license issued under the provisions of this Section, the sum of twenty-five dollars shall be paid into the treasury of Porto Rico.

(Paragraph 5). The provisions of this section shall not take effect upon such foreign corporations, companies and associations as have heretofore engaged in business, or made contracts in Porto Rico, until ninety days from the date of approval of the "Act to Provide Revenue for the People of Porto Rico and for other purposes" (approved January 31, 1901). Foreign insurance and other companies which have filed their charters and taken out certificates in accordance with General Orders number ninety-four, series of nineteen hundred, of the late Military Government of Porto Rico, shall not be required to take out the license required by paragraph two of this Section, but nothing herein contained shall be construed to exempt such companies from the duty of renewing their licenses or certificates on or before the first day of July of each year. During the aforesaid period of ninety days, such companies as may have filed their charters, in accordance with the said general orders, shall continue to be subject to the provisions and requirements of said orders, but upon the termination of said period of ninety days, such companies shall be governed by the provisions of this Title, which shall also regulate and govern such surety, insurance, or building and loan companies as have not heretofore done business in Porto Rico but which may engage in the same subsequent to the passage of this act.

(Paragraph 6). The Treasurer shall report all violations of this Section to the prosecuting attorney of the proper court, who shall at once proceed to prosecute the corporation, company, association, officer or agent so violating the same; and, upon conviction thereof, such company, its officers or agents, shall forfeit to the People of Porto Rico the sum of four hundred dollars for any such violation.

SECTION 354.—(Paragraph 1). It shall be the duty of the Treasurer of Porto Rico to examine periodically the condition and financial standing of every bank, insurance, surety or building and loan company, and of every quasi-public corporation doing business in Porto Rico; and the officers and agents of every such bank, company or corporation shall, at their own expense, facilitate said examination and cause their books, moneys and securities to be opened or shown for inspection whenever the Treasurer shall require. The Treasurer shall have power to examine, under oath, the officers or agents of any such bank, corporation or company relative to the business of such company, and to administer to such officers or agents an oath for such purpose.

(Paragraph 2). Whenever any surety, insurance or building and loan company, bank or quasi-public corporation doing business in Porto Rico shall refuse to comply with any of the foregoing provisions, or whenever the Treasurer shall be of the opinion that the assets of such bank, company or corporation are insufficient to justify its continuance in business, or that its condition is unsound, said Treasurer shall forthwith revoke the license granted said company and shall cause a notification thereof to be published in the "Official Gazette," and in such other newspapers of the

Island as he may deem advisable; and such company, its officers and agents shall be, after such notice, required to discontinue the transaction of new business or the renewal of any bond, policy, certificate or similar obligation previously issued. And every such bank, company or corporation violating the provisions of this Section shall be subject to all the pains and penalties imposed for the violation of Section 353 of this Title: *Provided*, that before the revocation of such license the Treasurer shall immediately lay the facts in the case, with his recommendation thereon, before the Executive Council, and the Executive Council shall approve or disapprove of such revocation, and no publication of such revocation shall be had until the Executive Council has acted thereon as herein provided.

(Paragraph 3). The Treasurer of Porto Rico is hereby authorized to return the cedula bonds or other securities heretofore deposited by insurance companies doing business in Porto Rico, in accordance with the provisions of Article 7, Budgetary law of Porto Rico of 1894-1895.

SECTION 355.—(Paragraph 1). Every surety, insurance or building and loan company not incorporated under the laws of Porto Rico but doing business therein shall pay, as a franchise tax, in addition to the regular insular and other taxes upon their real and personal property and such special stamp taxes as are hereinafter provided, an annual tax of three per-centum upon the gross amount of all premiums or dues collected in Porto Rico, to be paid semi-annually at the time of rendering the semi-annual statement herein required. Upon the first day of January, and upon the first day of July of each year, the said companies shall render to the Treasurer of Porto Rico, in such form as he may require, full

and complete statements of their receipts and business transactions. But nothing in this Section shall be construed to absolve such companies from the duty of rendering the monthly statement now required.

(Paragraph 2). Every surety, insurance, or building and loan company doing business in Porto Rico shall pay the following special stamp taxes, by the affixture of internal revenue stamps under such regulations as may hereafter be prescribed by the Treasurer. For each bond or obligation of the nature of indemnity for loss, damage or liability and each bond, undertaking or recognizance conditioned for the performance of the duties of any office or position, issued or executed, or renewed by any surety company, on the amount of premium charged, one-half of one cent on each one dollar or fractional part thereof. For each policy of insurance or other instrument, by whatsoever name the same shall be called, whereby any insurance shall be made upon any life or lives, eight cents on each one hundred dollars, or fractional part thereof, of the amount insured. For each policy of insurance, or other instrument, by whatsoever name the same shall be called, by which insurance shall be made or renewed upon property of any description (including rents or profits), whether against peril by sea or on inland waters, or by fire or lightning, or other peril, one-half of one cent on each one dollar or the fractional part of the amount of premium charged.

(Paragraph 3). Any agent, officer or representative violating any of the provisions of this Section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than two hundred nor more than five hundred dollars.

CHAPTER II.

EXCISE TAXES.

SECTION 356.—On and after the passage of this Code there shall be levied, collected and paid for and in respect to distilled, vinous and fermented liquors, cigars, cigarettes, tobacco, proprietary medicinal preparations, playing-cards, fire-arms, oleomargarine, matches, and for and in respect to all other occupations, documents, instruments, matters and things mentioned and described in the following schedules, A, B, and C of this Section, the several taxes, or sums of money, set down in words or figures against the same, respectively, or otherwise specified or set forth:

SCHEDULE A.

- (1). A. On each and every gallon, or fraction thereof, of distilled spirits produced from grain, starch, sugar, molasses, or any other substance by distillation, whether whiskey, brandy, gin, cordials, bitters, ratafia, anise, anisado, wood alcohol, or any other alcoholic liquor produced, by distillation (except medicinal preparations), even though the alcohol contained therein be in small percentages, which may be distilled for sale or consumption in Porto Rico or which may be imported for sale or consumption in Porto Rico, there shall be paid eighty cents.
- B. On each and every gallon, or fraction thereof, of rum or bay rum which may be distilled for sale or consumption in Porto Rico, or which may be imported for sale or consumption in Porto Rico, from the United States, there shall be paid sixty cents; and

on each and every gallon of rum or bay rum which may be imported for sale or consumption in Porto Rico from countries other than the United States, there shall be paid one dollar.

- (2). On each and every gallon, or fraction thereof, of distilled spirits as enumerated above, whether domestic or foreign, which shall be changed in form by any merchant or at any liquor factory, by sweetening, diluting, adulterating, or by the addition of other ingredients other than water, there shall be paid, when sold, or exposed for sale to the public, besides the tax already paid on such distilled spirits in their original condition, an additional tax of forty cents.
- (3). On each and every gallon, or fraction thereof, of fermented malt or other vinous liquor produced by fermentation of malt, hops, barley, grape or other fruit juice, whether beer, ale, porter, lager, or claret, port, or other sparkling or light wines which may be fermented and sold in Porto Rico, or which may be imported for sale or consumption in Porto Rico, there shall be paid twenty cents; *provided*, however, that on each and every gallon or fraction thereof of champagne there shall be paid one dollar.
- (4). On each and every gallon, or fraction thereof, of fermented wines as enumerated above, whether domestic or foreign, which shall be changed in form by any merchant or at any liquor factory, by diluting, adulterating, or by the addition of other ingredients, there

shall be paid, when placed on sale, besides the tax already paid on such fermented wines in their original condition, an additional tax of fifteen cents.

- (5). On all cigars which do not exceed in weight three pounds per thousand, manufactured for sale or consumption in Porto Rico, or which may be imported for sale or consumption in Porto Rico from the United States, there shall be paid on each and every one thousand, or fraction thereof, one dollar; and on all cigars which do not exceed in weight three pounds per thousand and which may be imported for sale or consumption in Porto Rico from countries other than the United States, there shall be paid on each and every one thousand, or fraction thereof, two dollars.
- (6). On all cigars which exceed in weight three pounds per thousand, manufactured for sale or consumption in Porto Rico, or which may be imported for sale or consumption in Porto Rico, from the United States, there shall be paid on each and every one thousand, or fraction thereof, one dollar and eighty cents; and on all cigars which do exceed in weight three pounds per thousand, which may be imported for sale or consumption in Porto Rico from countries other than the United States, there shall be paid on each and every one thousand, or fraction thereof, three dollars and sixty cents.
- (7). On all cigarettes which do not exceed in weight three pounds per thousand, manufactured for sale or consumption in Porto Rico, or which

may be imported for sale or consumption in Porto Rico from the United States, there shall be paid on each and every one thousand, or fraction thereof, one dollar; and on all cigarettes which do not exceed in weight three pounds per thousand, which may be imported for sale or consumption in Porto Rico from countries other than the United States, there shall be paid on each and every one thousand, or fraction thereof, two dollars.

- (8). On all cigarettes which exceed in weight three pounds per thousand, manufactured and sold in Porto Rico, or which may be imported for sale or consumption in Porto Rico from the United States, there shall be paid on each and every one thousand, or fraction thereof, one dollar and eighty cents; and on all cigarettes which exceed in weight three pounds per thousand, which may be imported for sale or consumption in Porto Rico from countries other than the United States, there shall be paid on each and every one thousand, or fraction thereof, three dollars and sixty cents.

- (9). On all snuff, chewing tobacco, smoking-tobacco, or other manufactured or partially manufactured tobacco, which may be produced and manufactured, or partially manufactured, for sale or consumption in Porto Rico, or which may be imported for sale or consumption in Porto Rico from the United States, there shall be paid on each and every pound, or fraction thereof, five cents; *Provided*, that all plug cut tobacco (tabaco hilado), either manufactured, or partly manufactured, or which is

produced and manufactured or partly manufactured for sale or consumption in Porto Rico, or which is imported from the United States for sale or consumption in Porto Rico, shall pay two cents on every pound or fraction thereof; and on all snuff, chewing-tobacco, smoking-tobacco, plug cut or other manufactured or partially manufactured tobacco, which may be imported for sale or consumption in Porto Rico from countries other than the United States, there shall be paid on each and every pound, or fraction thereof, ten cents.

- (10). On all playing-cards manufactured and sold in Porto Rico, or which may be imported for sale or use in Porto Rico, there shall be paid on each and every pack, two cents.
- (11). On all proprietary medicinal preparations, patent medicines, toilet articles, perfumery and cosmetics, manufactured and sold in Porto Rico, or which may be imported for sale or use in Porto Rico, there shall be paid on the invoice value thereof five per cent.
- (12). On all oleomargarine, or other imitations of butter, under whatever name sold, which may be manufactured and sold in Porto Rico, or which may be imported for sale or consumption in Porto Rico, there shall be paid on each and every pound ten cents.
- (13). On all arms and ammunition (not the property of the United States Government, Insular Government or Municipalities), including all kinds of weapons, such as daggers, dirks,

sword-canes, and all kinds of fire-arms, and all gunpowder, shot, bullets, and loaded cartridges or empty shells which may be manufactured and sold in Porto Rico, or which may be imported for sale or use in Porto Rico, there shall be paid on the invoice value thereof twenty-five per cent.

- (14). On all matches, whether sulphur or safety-friction matches or fusees or any other kind of matches, under whatever name sold, which may be manufactured for sale or consumption in Porto Rico, or which may be imported for sale or use in Porto Rico, from the United States, there shall be paid on each gross of boxes containing not over one hundred sticks to the box, fifteen cents ; and on all matches, whether sulphur or safety-friction matches or fusees or any other kind of matches, under whatever name sold, which may be imported for sale or use in Porto Rico from countries other than the United States, there shall be paid on each gross of boxes containing not over one hundred sticks to the box, thirty cents.

SCHEDULE B.

- (1). All wholesale dealers in distilled spirits, whether manufactured in Porto Rico or imported, shall pay an annual tax of one hundred dollars.
- (2). All wholesale dealers in fermented malt or vinous beers and wines, whether manufactu-

red in Porto Rico or imported, shall pay an annual tax of forty-eight dollars.

- (3) All retail dealers in distilled liquors or fermented malt or vinous wines and beers, whether manufactured in Porto Rico or imported, shall pay the annual tax assessed to whichever of the following classes they may be rated:

First Class: All first-class saloons, bars, restaurants, cafés, and hotels selling wine, beer, or liquor, shall pay twenty-eight dollars.

Second class: Grocery stores, known as "Pulperias", selling wines, beers and liquor, and all second-class saloons, bars, restaurants, cafés, and boarding-houses selling wine, beer, or liquor, shall pay sixteen dollars.

Third class: Small stores, known as "Ventrillos", wayside provision booths, and traveling peddlers selling wine, beer, or liquor, shall pay eight dollars.

- (4), All wholesale dealers in cigars, cigarettes, smoking tobacco, snuff, or other manufactured or partially manufactured tobacco, whether domestic or imported, shall pay an annual tax of forty-eight dollars.

- (5), All retail dealers in cigars, cigarettes, smoking tobacco snuff, or other manufactured or partially manufactured tobacco, whether domestic or imported, shall pay the annual tax assessed to whichever of the following classes they may be rated:

First class: All first-class saloons, bars, restaurants, cafés, and hotels selling cigars or other

manufactures of tobacco to customers, shall pay twenty dollars.

Second class: Grocery stores, known as "Pulperias", selling cigars or other manufactures of tobacco, and all second-class saloons, bars, restaurants, cafés, and boarding houses, selling cigars or other manufactures of tobacco, shall pay ten dollars.

Third class: Small stores, known as "Ventorrillos", wayside provision booths, and peddlers, selling cigars and other manufactures of tobacco, shall pay six dollars.

Fourth class: Retail dealers of the first, second or third class above enumerated, who manufacture cigars, cigarettes, or other tobacco products on their respective premises, for sale exclusively on such premises, shall pay no license taxes for selling said articles; *provided* that such dealers shall pay the taxes imposed on cigars, cigarettes, and other tobacco products in Schedule A of this Section.

(6). All wholesale and retail dealers in arms and ammunition, whether of domestic or foreign manufacture, and whether they sell only at wholesale or only at retail, or at both wholesale and retail, shall pay an annual tax of twenty-four dollars.

(7). The term "wholesale dealers", as used in this Section, shall be deemed to imply and include all merchants agents, peddlers, or importers selling to other dealers for sale any of the articles the sale of which is subject to excise taxes herein, and whether such articles are sold in broken or unbroken packages; and

the term "retail dealers" shall be deemed to imply and include all merchants who sell the contents of broken original packages in quantities to suit the needs of the customers purchasing such articles for their individual use and consumption. Merchants and importers engaged in both the wholesale and retail sale of articles included in this Section shall pay both wholesale and retail dealers license tax on each class of articles so sold by them.

SCHEDULE C.

- (1). On all entries in Porto Rico of merchandise imported from foreign countries there shall be paid one dollar.
- (2). On all instruments or documents attested by a notary public, or recorded by a registrar of property, excepting oaths of office and official bonds, and affidavits, there shall be paid on each original document one dollar; on each copy thereof fifty cents; on each registration or record fifty cents.

SECTION 357.—All of the taxes imposed by Section 356 of this Title shall be paid at the several rates therein provided by the affixture and cancellation of internal revenue stamps, and the Treasurer is authorized to make such rules and regulations as may be necessary for the affixing and cancelling of such stamps, and to supply persons, associations or corporations subject to the taxes imposed in Schedule A of Section 356 of this Title with suitable invoice and sales books, the cost thereof to be paid by such persons, associations or corp-

orations by the affixing and cancellation of internal revenue stamps of proper amount.

SECTION 358.—Manufacturers and importers of articles or things enumerated in Schedule A of Section 356 of this Title shall give bond in such form and amount as the Treasurer may require, conditioned upon the faithful compliance with this law, and the Treasurer shall issue regulations governing the exportation of goods of domestic manufacture, and shall prescribe the amount of bond required in such cases, and such goods when so exported shall be exempt from taxation under this law. Any person, association or corporation who shall engage in the manufacture, importation or exportation of any of the articles herein taxed before he shall have executed such bond, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or to imprisonment for not less than one month nor more than one year, or to both, at the discretion of the court; *Provided*, that the bonds required of importers and manufacturers, conditioned upon the faithful compliance with this law, shall in no event exceed in amount fifty per cent of the value of their annual importations or manufacture. All owners or agents of ocean-going ships shall furnish the Treasurer such detailed information from the manifests of cargoes of ships entering or leaving ports in Porto Rico as may by regulations issued by the Treasurer be deemed necessary for the proper imposition of the documentary taxes on entries imposed in Schedule C, Section 356, hereof, and to secure the full collection thereof.

SECTION 359.—Manufacturers or producers of rum, tobacco, and any other articles or things liable to tax-

ation, as provided in Schedule A of Section 356 of this Title, who sell such articles or things, either at wholesale or retail, at any place or places removed from the place of manufacture or production shall pay, in addition to the payment of the taxes agreed assessed on such articles or things as provided in Schedule A of Section 356 of this Title the further license taxes provided in Schedule B of said Section.

SECTION 360.—On and after the passage of this Act no municipal district or other local division in Porto Rico shall levy, assess or collect any consumo tax or local excise tax on the consumption or use of the articles or things enumerated in Schedule A and C of Section 356 of this Title; *Provided*, that nothing herein contained shall be construed to prohibit the levy, assessment or collection, by any municipal district or other local division, of license taxes upon the manufacture and sale of such articles or things as have heretofore been, or may here after be, authorized by law.

SECTION 361.—The Treasurer is hereby directed, at the end of each quarter, to apportion according to population and to pay pursuant to law, fifteen per cent of the proceeds derived from the assessment and collection of the taxes imposed by Section 356 of this Title, to the respective municipal districts and other local divisions of Porto Rico entitled thereto; *Provided*, that up to the thirtieth day of June, nineteen hundred and one, instead of fifteen per cent there shall be apportioned and paid fifty per cent of the said proceeds to the respective municipal districts and other local divisions according to population and the payment thereof shall be made monthly instead of quarterly, and provided, further, that from and after the first day of July, nineteen hundred and three, the percentage of the

proceeds derived from the assessment and collection of the taxes imposed by Section 356 of this Title to be apportioned and paid by the Treasurer of Porto Rico to the respective municipal districts shall be seven and one-half ($7\frac{1}{2}$), and that from and after the first day of July, nineteen hundred and four, the apportionment and payment to the municipalities by the Treasurer of Porto Rico of a percentage of the proceeds derived from the assessment and collection of the taxes imposed by Section 356 of this Title shall be wholly discontinued.

SECTION 362.—The chief of the bureau of internal revenue shall supervise, under the direction of the Treasurer, the duties of the internal revenue agents and see that they are faithfully performed. The internal revenue agents shall list and classify the names of all persons, associations or corporations engaged in occupations, manufacturing, importing or selling of articles subject to the taxes provided in Section 356 of this Title; and shall secure the full and entire the assessment and payment of such taxes. All internal revenue agents, and all collectors and deputy collectors of internal revenue, shall, further, perform, all and severally, such specific duties in connection with the taxes herein provided provided as may hereafter be imposed upon them by law or assigned to them by such directions, rules and regulations as may hereafter be issued by the Treasurer.

SECTION 363.—The chief of the bureau of internal revenue, and all internal revenue agents, shall have the power to administer oaths, to record the bonds entered into by taxpayers of internal revenue, certify to declarations, and all the powers of examination of all stocks of goods subject to the taxes herein provided,

and shall, besides, have the powers conferred by statute upon internal revenue agents of the treasury department of the United States.

SECTION 364.—Any internal revenue agent, collector or deputy-collector of internal revenue or any employee of the office of the Treasurer:

(a), Who, while under commission, becomes engaged, directly or indirectly, in any occupation taxed under the provisions of Schedule B of Section 356 of this Title, or in the manufacture, importation or sale of any article taxed under the provisions of Schedule A of Section said; or,

(b), Who fails, fully and promptly, to account for any and all public funds, fines, internal revenue stamps, licenses, receipts, books, documents, records, papers or any other form of public property; or,

(c), Who is guilty of any extortion or wilful oppression under color of law; or,

(d), Who, knowingly, demands other or greater sums than are authorized by law, or receives any fee, compensation or reward, except as herein provided, for the performance of any duty; or,

(e), Who wilfully neglects to perform any of the duties enjoined upon him by law; or,

(f), Who conspires or colludes with any other person to defraud the public revenues, or,

(g), Who makes opportunities for any person to defraud the public revenues; or,

(h), Who does, or omits to do, any act with intent to enable any other person to defraud the public revenues; or,

(i), Who, negligently or designedly, permits any violation of the law by any person; or,

(j), Who makes or signs any false entry in any book, or makes or signs any false certificate or return in any case where he is required by this law or by such regulations as may hereafter be issued by the Treasurer, to make any entry, certificate or return; or,

(k), Who, having knowledge or information of the violation of any provision of this law, by any person, or of fraud committed by any persons against the public revenues under this law, fails to report in writing such violation or fraud to the designated authority; or,

(l), Who demands, accepts or attempts to collect, directly or indirectly, as payment, gift or otherwise, any sum of money or other thing of value for the compromise adjustment or settlement of any charge or complaint for any violation or alleged violation of this law; or,

(m), Who shall divulge or make known, in any manner whatsoever not provided by law, to any person, the accounts, condition of business affairs, or manner of conducting same of any tax-paying person, association or corporation whose books, accounts and business operations they may have investigated in the discharge of their duties, shall be dismissed from office and shall be charged with a felony, and, upon conviction by any court having jurisdiction of the offense committed, shall be fined not less than two hundred and fifty dollars nor more than two thousand dollars, or be imprisoned not less than six months nor more than five years, or both, at the discretion of the court.

SECTION 365.—If any person, association or corporation shall manufacture, sell, ship or import any article or thing provided for in Schedule A of Section 356 of this Title without affixing and cancelling stamps denoting the tax paid, or if any person, association or corpo-

ration shall engage in the occupations provided for in Schedule B of Section 356 of this Title without affixing and cancelling stamps denoting the tax paid, or if any person, association or corporation shall execute, deliver, receive or record any document or instrument provided for in Schedule C of Section 356 of this Title without affixing and cancelling stamps denoting the tax paid; every person, association or corporation so offending, and every person knowingly and wilfully aiding, abetting or assisting in committing any such offenses as aforesaid shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred nor more than one thousand dollars, or by imprisonment for a term of not less than one month nor more than one year, or both, at the discretion of the court.

And in addition thereto all articles subject to the taxes provided in Schedule A of Section 356 of this Title on which the said taxes have not been paid at the respective rates imposed, or for which the stamps have not been affixed and cancelled in the manner provided by such regulations as may hereafter be issued by the Treasurer, shall be declared forfeited to the People of Porto Rico, and all such forfeited articles shall be sold at public auction to the highest bidder and the proceeds from such sales paid into the treasury of Porto Rico.

SECTION 366.—If any person shall forge or counterfeit, or cause or procure to be forged or counterfeited, any stamp which shall have been provided, made or used in pursuance of this Title, or may hereafter be provided, made or used in pursuance of this Title, or if any person shall use in payment of taxes herein imposed any internal revenue stamp after it shall once have been used, or if any person shall wilfully remove, or

cause to be removed, alter, or cause to be altered, the cancelling or defacing marks of any adhesive stamps with intent to use the same, or cause the use of the same after it shall have once been used, or shall knowingly or wilfully sell or buy such washed or restored or used stamp, or offer the same for sale, or give or expose the same to any person for use, or knowingly use the same, or prepare the same with intent for further use thereof, or if any person shall knowingly and without lawful excuse have in his possession any washed, restored or altered stamp: every person so offending, and every person knowingly and wilfully aiding, abetting or assisting in committing any such offenses, as aforesaid, shall be deemed guilty of a felony, and, upon conviction thereof, shall forfeit the said counterfeit, restored or altered stamps, and the articles for the payment of the respective taxes upon which such counterfeit, restored or altered stamps, and the articles for the payment of the respective taxes upon which such counterfeit, restored or altered stamps were intended or used and shall be punished by a fine not less than five hundred dollars nor more than one thousand dollars, or by imprisonment and confinement at hard labor for a term not less than six months nor more than five years, and all such forfeited articles shall be disposed of in the manner provided in Section 365 of this Title. Internal revenue agents are hereby empowered to arrest all persons detected in the commission of frauds and to conduct all such persons forthwith before the municipal or other judge having jurisdiction, for the preparation of the "sumario" or preliminary proceedings in the case, and the accused shall be held under arrest during said preparation and preliminary proceedings; and, should it appear during such investigation that there is

good and sufficient proof as to the commission of the offense charged such arrest shall continue until such time as the case shall be finally disposed of by the district court having jurisdiction of the case; *Provided*, that the preliminary proceedings and the final trial of the case shall be concluded without unnecessary delay; and, provided further, that if from the said preliminary proceedings the guilt of the accused shall not be satisfactorily established he shall be forthwith discharged, and, provided, further, that at any time during the preliminary investigation, or thereafter pending the final disposition of the case, the accused shall be allowed bail in a sum not to exceed the maximum penalty imposed herein for the offense of which he stands accused, to the amount of the fine being added the number of days imprisonment at the rate of three dollars per day; but no person against whom satisfactory evidence of guilt is produced in said preliminary examination shall be released from custody until the amount of and form of bail bond and sufficiency of the sureties thereon shall have been approved.

Petty defrauders of the excise revenues, and others wilfully failing to comply with any of the regulations issued in pursuance of the law regarding the imposition and collection of excise taxes, may have their licenses revoked by the Treasurer where they are in possession of licenses, or may be fined by the Treasurer in a sum to exceed in no case the amount of ten dollars for each offense and the cost of transportation and storage of the goods seized, and, in addition, the articles subject to excise taxes seized from petty defrauders and on which said taxes have not been paid at the time and in the manner provided by this law and the regulations prescribed for its enforcement may be ordered forfeited and

sold by the Treasurer and the proceeds realized by such sale, covered into the insular treasury; and should payment of the fine and costs be refused, the Treasurer may in his discretion transmit the evidence in the case to the Attorney General requesting the prosecution and punishment of the accused in the District Court having jurisdiction, as is provided for in Sections 365 and 366 hereof.

Persons furnishing the Treasurer of Porto Rico or internal revenue agents sufficient evidence to lead to the detection and conviction of defrauders of the revenues of Porto Rico shall be entitled to and shall receive the amount of one-half of the fine collected from said defrauder on account of his delinquency thus reported.

The information furnished by said persons against the defrauders must be in writing and sworn to before an internal revenue agent of the treasury department or some other officer duly qualified to administer oaths, and no persons furnishing such information shall be entitled to the receipt of one-half of the fine imposed upon the convicted defrauder unless the evidence furnished by said person shall of itself be sufficient to constitute a *prima facie* case against the accused. And it is further provided that where, during the examination of the case against the alleged defrauder, it shall appear that the information against the accused is unsustained by the facts in the case and that the accused is innocent of the charge made against him, and that the charge was made wilfully and with malice prepense by the person furnishing the information, it shall be the duty of the Treasurer of Porto Rico to cause the case against the alleged defrauder to be dismissed and to refer the evidence obtained and the proceedings held in the premises to the Attorney General

of Porto Rico with the request that the person furnishing the false information against the alleged defrauder be prosecuted under such provisions of the Penal Code of Porto Rico as provides for the punishment of such offenses; and it is further provided that wherever provision is made in this Title for the punishment of taxpayers for violations of the provisions of this Title by a fine or imprisonment, said provisions shall relate to the punishment of persons upon their first conviction, but that wherever a tax-payer is convicted of a second violation of any of the provisions of this Title the punishment shall consist of both fine and imprisonment,

SECTION 367.—Internal revenue stamps shall be furnished by the Treasurer upon requisition to collectors and deputy-collectors in such amounts as may be necessary for local needs. Every such collector and deputy-collector shall enter into bond with the Treasurer, for the benefit of the People of Porto Rico, in such amount and upon such conditions as the Treasurer may require, said bonds to be approved, as to form and execution by the Auditor and, as to sufficiency of surety, by the Treasurer, and every such collector and deputy-collector shall account monthly with the Auditor for all stamps received, sold and on hand, and for all moneys received from the sale of such stamps, and shall remit moneys so received to the Treasurer, who shall account for the same pursuant to law.

CHAPTER III.

INHERITANCE TAX.

SECTION 368.—All real property within Porto Rico and any interest therein, whether belonging to inhabitants of Porto Rico or not, and all personal property

belonging to inhabitants of Porto Rico which shall pass by will, by intestacy, by inheritance or by any grant whatsoever, made or intended to take effect in possession or enjoyment after the death of the grantor to any person, association, institution or corporation, in trust or otherwise, other than to or for the use of his wife, child, grand-child or person legally recognized as an adopted child of the decedent, shall be subject to a tax as hereinafter provided: *Provided*, that no tax shall be collected upon the property passing to any one heir, legatee, devisee or grantee when the same shall be valued at two hundred dollars or less; and provided, further, that when the value of such property exceeds two hundred dollars, the said two hundred dollars shall be deducted in estimating the taxes thereon.

SECTION 369.—The said tax shall be imposed, estimated and paid in accordance with the following schedule:

(Paragraph 1). Upon every such devise, bequest, legacy, grant or inheritance not exceeding five thousand dollars in value, a husband and all lineal descendants, whether legitimate or illegitimate, shall pay a tax of one per cent, and all other relatives, of whatever degree, and all other persons, associations, institutions or corporations, shall pay a tax of three per cent.

(Paragraph 2). Upon every such devise, bequest, legacy, grant or inheritance exceeding five thousand dollars but not exceeding twenty thousand dollars in value there shall be paid on the excess over five thousand dollars one and one-half times the respective rates prescribed in paragraph one of this Section.

(Paragraph 3). Upon every such devise, bequest, legacy, grant or inheritance exceeding twenty thousand dollars but not exceeding fifty thousand dollars in value,

there shall be paid on five thousand dollars the respective rates prescribed in paragraph one of this Section; on fifteen thousand dollars the respective rates prescribed in paragraph two of this Section, and on the excess over twenty thousand dollars twice the respective rates prescribed in paragraph one of this Section.

(Paragraph 4). Upon every such devise, bequest, legacy, grant or inheritance exceeding fifty thousand dollars in value, there shall be paid on five thousand dollars the respective rates prescribed in paragraph one of this Section, on fifteen thousand dollars the respective rates prescribed in paragraph two of this Section, on thirty thousand dollars the respective rates prescribed in paragraph three of this Section, and on the excess over fifty thousand dollars three times the respective rates prescribed in paragraph one of this Section.

SECTION 370.—For the purpose of assessing the taxes imposed under this Title the degree of relationship of any relative shall be ascertained and computed in accordance with the existing laws of Porto Rico relating thereto.

SECTION 371.—The commissions, compensation or allowance of any administrator, executor or trustee, whether fixed by the testator or by the court of probate having proper jurisdiction, or whether in the form of residuary legacy, shall be subject to the aforesaid tax in the same manner as if said commissions, compensation or allowances were a bequest or legacy, and the degree of relationship of said administrator, executor or trustee shall be taken into account in the same manner as if said administrator, executor or trustee were an heir, legatee or grantee of the decedent.

SECTION 372.—It shall be the duty of every administrator, executor or trustee, or of any one of them

acting in Porto Rico, and of every ancillary administrator, agent or person lawfully authorized to administer on the estate or any portion thereof in Porto Rico, sixty days after the death of the decedent whom he represents to transmit to the Treasurer of Porto Rico a sworn notification of the death of said decedent, stating plainly: The name and residence of said decedent; the date of his death; whether dying intestate, and, if not, the notary with whom the will of such decedent is recorded; and, as nearly as possible, the amount, valuation, description and location of the estate of the decedent; the names and degrees of relationship of the heirs, devisees and legatees, and the proportionate parts and description of the estate accruing to each; the names of all administrators, executors or trustees of the estate of said decedent, and said notification shall be accompanied by a tax receipt in proof that the property tax imposed by this Title as been fully paid on said estate. And any administrator, executor, or trustee, failing to file said notification with the Treasurer within the period herein specified shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be subject personally to a fine of from one hundred to one thousand dollars.

SECTION 373.—Whenever it may be possible, the value of all estates of decedents shall be assessed by internal revenue agents, and whenever the services of expert accountants are required for the purpose of appraising the estates of decedents the Treasurer is authorized to detail one or more of his employees for that purpose and to determine in accordance with Section 369 of this Title the inheritance tax thereon, and the results of said appraisals shall be made known both

to the Treasurer and to the administrators, executors and trustees of such estates.

SECTION 374.—Within thirty days of the completion of said appraisal and assessment of taxes, any person or beneficiary affected thereby shall have the right to appeal therefrom to the District Court of the district within which the estate is located on paying, or giving security to pay, all costs, together with whatever tax may have been assessed, upon the devise, bequest, legacy, grant or inheritance; and the said District Court shall proceed to determine the matter as speedily as possible.

SECTION 375.—It shall be a misdemeanor, on the part of any appraiser, to take any fee or reward from executor, administrator, trustee, heir, legatee, next of kin, or any beneficiary of any decedent, and, upon conviction of such offense, said appraiser shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding one year, or both, at the discretion of the court.

SECTION 376.—All taxes imposed under Chapter III of this Title shall be paid into the treasury of Porto Rico by the administrators, executors, trustees or other persons administering upon the estate charged with said taxes; and all such administrators, executors, trustees or persons shall be liable for such taxes, with interest as hereinafter provided, until the same shall have been paid. Such taxes shall become due and payable immediately upon the death of the decedent, and shall at once become a lien upon the estate of the decedent and shall remain a lien until paid. If said taxes are not paid within ten days from the presentation of the tax bill, the Treasurer shall require of said executor, administrator, or trustee, bond in twice the amount of said taxes due and unpaid conditioned upon full and com-

plete payment of said taxes in the manner and within the term herein provided, and the Treasurer is authorized to attach the property of said decedent subject to the tax until such bond shall have been given. If said taxes are not paid within one year of the death of said decedent, interest at the rate of ten per centum shall be charged and collected thereon, and if said taxes are not paid at the expiration of eighteen months after the death of said decedent, it shall be duty of the District Attorney of the district wherein said taxes remain unpaid to institute the necessary proceedings to collect the same, after being duly notified by the Treasurer of the non-payment of such taxes.

SECTION 377.—The administrator, executor, trustee or other person administering upon any estate subject to the tax hereinbefore provided, shall deduct the proper tax, as provided in Section 369 preceeding from any portion or share in the distribution of such estate which may be paid in money; and for any portion, share or legacy which is not in money he shall demand payment of the proper tax from the person or persons entitled to such portion, share or legacy; and no administrator, executor, trustee or other person administering upon any estate shall pay or deliver any specific legacy or property subject to said tax to any person until he has collected the tax thereon; and in case of neglect or refusal on the part of said legatee or distributee to pay the same, such specific legacy or property, or such thereof as may be necessary, shall be sold at public sale by the administrator, executor, trustee or other person administering upon such estate after due notice to said legatee or distributee; and all moneys retained or received, as herein provided, by any administrator, executor, trustee or other person administering—

upon any estate shall be deposited with the Treasurer without delay.

SECTION 378.—It shall be the duty of the Treasurer to issue to the administrator, executor, trustee or person administering upon any estate subject to the tax provided in Section 369 of this Title, upon the payment of said tax upon such property, special tax receipts therefor in triplicate for use in the transfer of said property as hereinafter provided.

SECTION 379.—No judge shall approve the partition or distribution of the estate of any decedent or allow any final settlement of the accounts of any executor, administrator, trustee or person administering upon any estate unless the proper special tax receipt or receipts of the Treasurer, as provided in Section 378 of this Title, shall be produced and exhibited; and no notary shall issue, authorize or certify any instrument of award, partition, distribution, alienation or hypothecation of property unless such receipt or receipts of the Treasurer be presented; and no registrar shall record in any registry under his charge any instrument or judicial decision, ruling or warrant, drawn, rendered or issued in connection with the partition, distribution or delivery of such property unless such receipt or receipts of the Treasurer be presented; and persons violating the provisions of this Section shall be liable for all taxes uncollected because of such violation, together with interest thereon, as provided in Section 376 of this Title.

SECTION 380.—In the present Title the word "person" shall be construed to include the plural as well as the singular, artificial as well as natural persons; the word "property" shall be construed to include both real and personal estate, and any form of interest therein whatsoever, including annuities of whatever form or kind;

the word "administrator" shall be held to include any heir, relative or other beneficiary of any decedent who may have charge of the disposition and apportionment of the property of any decedent.

SECTION 381.—The records and archives of courts, registrars of property, notaries public, and of municipal or other local governments shall at all times be open and accessible to assessors, inspectors and other public officials engaged in the performance of their official duties under the provisions of this Title.

SECTION 382.—On and after the first day of July, nineteen hundred and one, there shall not be levied or assessed, for insular purposes, the taxes now imposed by law and respectively known as the territorial tax and as the industrial and commercial tax; but nothing in this Section shall be construed to prevent the collection of taxes lawfully levied or assessed before said date, nor of any class or classes of taxes, whether internal revenue or miscellaneous receipts, other than those herein excepted.

SECTION 383.—All revenues, taxes and moneys of whatsoever kind, received by the collectors herein provided for, shall be paid in full to the Treasurer by depositing the same in such manner and at such times as the Treasurer shall by regulation prescribe. All revenues, taxes and moneys received by the deputy-collectors herein provided for shall be paid in full to the respective collectors in such manner and at such time as the Treasurer shall by regulation prescribe provided such payments by collectors and deputy-collectors shall in no case be less than twice in each month, and such deputy-collectors shall transmit at the end of each month to the respective collectors full and complete accounts and returns of all moneys col-

lected in each month. The collectors shall render monthly to the Auditor their respective accounts for revenues collected and for disbursements made, in such form and manner as he shall prescribe. Any collector failing to render his account for any month, as heretofore provided, within ten days after the expiration of such month shall be delinquent and subject to dismissal from office unless good and satisfactory excuse for such delinquency be furnished. Requisitions of collectors for necessary advances to pay the salaries and expenses of their respective offices for any month shall be transmitted to the Auditor at least fifteen days before the expiration of such month.

TITLE X.

MISCELLANEOUS PROVISIONS.

SECTION 384.—No part of it (of this Code) is retroactive, unless expressly so declared.

SECTION 385.—All statutes, decrees, resolutions or military orders and circulars or regulations or parts thereof in conflict with the provisions of this Code are hereby repealed.

SECTION 386.—The repeal of any statute by the Legislative Assembly shall not have the effect to release or extinguish any penalty, forfeiture or liability incurred under such statute, unless the repealing act shall so expressly provide and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability.

SECTION 387.—Holidays, within the meaning of this Code, are every Sunday, the first day of January, the twenty-second day of February, the twenty-second day

March, Good Friday, the thirtieth day of May, the fourth day of July, the twenty-fifth day of July, the first Monday of September, to be known as Labor Day the twenty-fifth day of December, every day on which an election is held throughout the island and every day appointed by the President of the United States, by the Governor of Porto Rico or by the Legislative Assembly, for a public fast, thanksgiving, or holiday. When any such day falls upon a Sunday, the Monday following is a holiday.

SECTION 388.—The time in which any act provided by law is to be done is computed by excluding the first day, and including the last, unless the last day is a holiday, and then it is also excluded.

SECTION 389.—Whenever any act is appointed by law or contract to be performed upon a particular day, which day falls upon a holiday, such act may be performed upon the next business day with the same effect as if it had been performed upon the day appointed.

SECTION 390.—When the seal of a court, public officer, or person is required by law to be affixed to any paper, the word "seal" includes an impression of such seal upon the paper alone as well as upon wax or a wafer affixed thereto.

SECTION 391.—Words giving a joint authority to three or more public officers or other persons are construed as giving such authority to a majority of them unless it is otherwise expressed in the act giving the authority.

SECTION 392.—Words used in this Code in the present tense include the future as well as the present; words used in the masculine gender include the same feminine and neuter, the singular number includes

the plural, and the plural the singular; the word "person" includes a corporation as well as a natural person; "writing" includes printing; "oath" includes affirmation or declaration; every mode of oral statement under oath or affirmation is embraced by the term "testify," and every written one in the term "depose," "signature" or "subscription" includes mark when the person cannot write his name as a witness,—his name being written near it, and witnessed by a person who signs his own name as a witness. The following words also have in the Code the signification attached to them in this section, unless otherwise apparent in the context.

1. The words "property" includes both real and personal property.

2. The words "real property" are coextensive with land, tenements, and hereditaments, and possessory titles to public lands.

3. The words "personal property" include money goods, chattels, things in action and evidences of debt.

4. The word "year" as used in this Code means a calendar year and the word "month" means a calendar month unless otherwise expressed.

5. The word "will" includes codicils.

6. The word "writ" signifies any order or precept in writing, issued in the name of the people, or of a court or judicial officer; and the word "process" a writ or summons issued in the course of judicial proceedings.

7. The word "vessel" when used in reference to shipping, includes ships of all kinds, steamboats and steamships, canal-boats, and every structure adapted to be navigated from place to place.

8. The word "state" when applied to the different parts of the United States, includes the District of Col-

umbia and the territories; and the "United States" may include the district and territories.

Approved, March 1, 1902.



APPENDIX TO POLITICAL CODE.

(LAW APPROVED MARCH 1, 1902.)

TITLE XI.

CHAPTER I.

PROPERTY AND WORKS UNDER THE COMMISSIONER OF THE INTERIOR.

SECTION 393.—The Commissioner of the Interior shall have charge of all public buildings belonging to the People of Porto Rico and of all insular public works of whatever kind and name, whether such works be paid for with funds appropriated for the purpose by the Legislative Assembly of Porto Rico, or with funds donated or appropriated by any person or corporation or by the Government or Congress of the United States for the benefit of the People of Porto Rico; and also of all property ceded by the government of Spain to the United States, the administration whereof was placed under the control of the government of Porto Rico by the provisions of Section 13 of the law of Congress entitled "An Act temporarily, to provide revenues and a civil government for Porto Rico, and for other purposes."

SECTION 394.—*Bureau of Public Works.*—That a bureau of public works is hereby created and established in the department of the interior, and under the control and direction of the Commissioner. The said bureau shall be the legal successor of the present board of public works, which board is hereby discontinued and abolished.

SECTION 395.—*Chief of the Bureau.*—That the Commissioner of the Interior shall appoint a chief of the bureau of public works, whose official title shall be "Superintendent of Public Works," and who shall be a competent civil engineer and experienced in his profession. The Commissioner of the Interior shall also appoint an Assistant Superintendent of Public Works, who shall possess similar requirements to those prescribed for the Superintendent of Public Works.

SECTION 396.—*Public works defined.*—That for the purpose of this Title, the term insular public works shall include, in addition to the specific provisions of Section 393, all works that may be of general use and benefit to the People of Porto Rico, all constructions that may be destined for services of which the insular government has charge, and all other works, which, although not included within the meaning of the foregoing provisions, may hereafter be declared as such by the Legislative Assembly of Porto Rico.

SECTION 397.—*Insular Roads.*—That the term insular roads as used in this Title, shall be held to mean all those highways or public roads that have been or may be built, and are or shall be maintained by insular funds, or those included in the general plan of roads to be built and maintained by insular funds as may hereafter be approved and enacted by the Legislative Assembly of Porto Rico.

SECTION 398.—*Duties of the Superintendent.*—That the general duties of the Superintendent of Public Works shall be as follows:

A. To survey, plan, direct, supervise and inspect all new works and all works requiring maintenance and repair.

B. To repair and maintain all public buildings belonging to the People of Porto Rico.

C. To prepare the general plans of public works that may be required for the consideration of the Legislative Assembly.

D. To prepare the budgets necessary to carry on the public works each fiscal year for submission to the consideration of the Legislative Assembly.

E. To report upon all engineering questions submitted for investigation by any department of the insular government or by any municipal corporation of the island.

F. To prepare and sign, in the name of the People of Porto Rico, all contracts and agreements made for the construction or repair of public works or for purchase of materials.

G. To prescribe all needful rules and regulations not contrary to this Title, that he may deem necessary for carrying out the duties of his office, with such organization of the different sub-divisions as he may deem proper, subject to the approval of the Commissioner of the Interior.

H. To perform all other duties that the laws of Porto Rico or the Commissioner of the Interior have assigned or may hereafter assign to or prescribe for the bureau of public works.

SECTION 399.—*Compilation of statistics.*—That the Superintendent of Public Works shall annually compile the statistics of all public works, particularly of those which refer to highways and public roads, whether insular, vicinal or rural, and he shall gather all information regarding such roads necessary for the purpose. He shall cause to be prepared a map of the island on which all public roads and particularly the insular

roads shall be properly shown. He shall study the geological formation of the island in its relation to suitable materials for the construction of roads and buildings; he shall test such materials, compile the information and data thus acquired and, as far as practicable, show on the map referred to, the location of said materials, and the said map shall, during office hours, be open to the inspection of all persons who have charge of and authority over vicinal and rural roads, and who shall have the right to consult the Superintendent of Public Works in regard to the construction, repairing, alteration and maintenance of such roads, and without charge therefor.

SECTION 400.—*Duties of local officials.*—'That it shall be the duty of the municipal authorities who have charge of local public works, and of the officials who have charge of municipal, or vicinal and rural roads, to furnish the Superintendent of the Public Works with all the information that he may require regarding such public works and highways, as may be respectively under their charge and direction.

SECTION 401.—*Annual report.*—'That the Superintendent of Public Works shall make a report to the Commissioner of the Interior at the end of each fiscal year, in which he shall state the operations and expenses of the bureau for the preceeding year. Said report shall comprise all data, statistics and explanations regarding the construction and maintenance of public works, and the Superintendent shall make therein such recommendations as he may deem proper concerning the general policy to be followed with regard to the public works. This report shall be transmitted by the Commissioner of the Interior, together with his recommendations, to the Governor, and by him laid before the Legislative

Assembly at the succeeding session. Such report shall be published both in English and Spanish.

SECTION 402.—*Appropriation.*—That for the purpose of carrying out the provisions of this Title, the Superintendent of Public Works may, with the approval of the Commissioner of the Interior, expend for personnel and material, and for the construction, repair and maintenance of public works such sums of money as may from time to time be appropriated for the said purpose by the Legislative Assembly, and the said Superintendent shall state in the annual report the appropriations that he may deem necessary for the carrying on of public works for and during the next fiscal year.

SECTION 403.—*Maintenance of Roads.*—That the Superintendent of Public Works shall cause the insular roads in his charge to be kept in good condition; he shall cause the planting of the necessary shade trees along the roads, renewing such trees whenever necessary, and he shall establish and build all necessary watering troughs in suitable locations along the said highways.

SECTION 404.—*Civil responsibility.*—That the People of Porto Rico shall be liable for injuries to persons or property occurring through a defect, or want of repair, or of sufficient protection, in or upon an insular highway in charge of the bureau of public works, except where it shall be proved that such defects were caused by violence of the elements and that there had not been ample time in which to remedy them.

SECTION 405.—*Occupation of land.*—That no length of possession, or occupancy of land within the limit of any insular highway, by an owner or occupant of adjoining land, shall create a right to such land in any adjoining owner or occupant or person claiming under him, and any

fences, buildings, sheds or other obstructions encroaching upon such insular highway shall, upon written notice by the Commissioner of the Interior, at once be removed by the owner or occupant of adjoining land; or if not so removed, said Commissioner may cause the same to be removed to and upon the adjoining land and at the expense of such owner or occupant.

SECTION 406.—*Laboratory*.—That in order to carry into effect the provisions of Section 399 of this Title, there shall be established in the bureau of public works a laboratory for the testing of materials used in the construction of the public works. Such materials as are used by private individuals may be tested also, at their request, upon payment of fees which shall be charged in accordance with the schedule of fees to be prescribed for the purpose by the Commissioner of the Interior and the proceeds thereof shall be turned over to the Treasury of Porto Rico, by the disbursing officer of the bureau of public works.

CHAPTER II.

DUTIES OF THE COMMISSIONER OF THE INTERIOR.

SECTION 407.—*Duties of the Commissioner of the Interior*.—That the following shall be the duties of the Commissioner of the Interior:

1. To approve all projects for all public works, and no work shall be undertaken until this requirement be complied with.
2. To approve all general plans for the public works to be prepared by the Bureau, in accordance with Section 398 of this Title and he may introduce any modifications and changes that he may deem convenient in the approved plans now in force and which may be approved in the future, before they are submit-

ted to the Legislative Assembly of Porto Rico for consideration.

3. To determine the order of preference to be pursued in the construction of the public works for which there may be an appropriation in the annual budget, unless such order of preference has already been determined by law.

4. To cause all necessary surveys and projects for the public works to be made in accordance with approved plans.

5. To approve the specifications which shall govern in every contract to be entered into by the bureau.

6. To determine the lettings of work to be done by contract, to pass upon the action of board of award and to approve all contracts.

7. To examine and approve the provisional and final liquidations of all work done, without which requirement no contract shall be deemed completed or work accepted.

8. To direct the construction of any public work by administration in accordance with the provisions of Chapter V of this Title.

9. To do and fulfill whatever else may be prescribed by law as a duty of the Commissioner of the Interior.

SECTION 408—*Powers of the Commissioner*.—That the Commissioner of the Interior shall have power to do or cause to be done, all things, and to decide all questions concerning the insular public works, which may not be provided for in this Title, and as may in his judgment be most advantageous to the People of Porto Rico.

CHAPTER II I.

PROJECTS FOR WORKS.

SECTION 409.—*Projects*.—That no public work shall be undertaken until the necessary project thereof has been made in the manner herein specified, and said project has been approved by the Commissioner of the Interior.

SECTION 410. — *Schedule*. — That all projects for public works shall be made as far as practicable, in accordance with the following schedule:

1. Explanatory memorial, wherein the necessity for the proposed work shall be briefly explained and the method of carrying it on properly demonstrated.

2. Plans, wherein shall be shown the proposed work, with all necessary details to give an accurate idea of what is intended.

3. Specifications, which shall include all requirements of a technical nature necessary for the good execution of the work.

4. Estimate, which shall be a calculation, as approximately correct as possible, of the probable cost of the work; and the prices assigned to the various classes of work shall be clearly expained therein.

The Superintendent of Public Works shall prescribe the necessary rules and regulations in accordance with the foregoing provisions to insure uniformity in the making of projects.

SECTION 411.—*Plans for new buildings*.—That all plans for the construction or extension of any public building, whenever the estimated cost of the proposed work shall exceed twenty-five thousand dollars, shall be obtained in public competition, and for this purpose the Commissioner of the Interior shall advertise it in

English and Spanish in two newspapers of general circulation, published in different cities of the island, for a period of not less than thirty days: *Provided*, however, that the People of Porto Rico shall, in no case pay for the project chosen a sum of money greater than five per cent of the total estimated cost of the building.

SECTION 412.—*Projects for other works*—That whenever the Commissioner of the Interior shall deem it advisable and advantageous, he may ask for projects in public competition, for the construction of roads or of any other insular public work; and for this purpose he shall advertise in the manner prescribed in the preceding section; *Provided*, however; that the People of Porto Rico shall, in no case, pay for the project chosen a sum of money greater than five per cent of the total estimated cost of the work.

SECTION 413.—*Jury of award*.—That whenever the Commissioner of the Interior shall ask for projects in public competition in accordance with the preceding sections he shall appoint a jury of award before the projects are received, and the said jury shall pass upon the projects thus submitted and select the one, which, in their judgment, is the best; *Provided*, however, that the right to reject any and all projects is hereby reserved, and whenever any or all projects are rejected the People of Porto Rico shall pay nothing for any one of the said projects thus rejected.

SECTION 414.—*Cases when there shall be no competitors*.—That, if at the expiration of the time set for a public competition, no project has been submitted, the Commissioner of the Interior shall cause the project to be made by the personnel under his control. The same procedure shall be followed by the Commissioner in all cases where the competition having taken place, all

the projects submitted shall have been rejected by the jury of award.

SECTION 415.—*Forms of projects in competition.*—That all projects presented in competition shall be made up in the same manner as herein prescribed for the making up of official projects. The Commissioner of the Interior shall prescribe such rules as he may deem necessary for the guidance of the competitor.

SECTION 416.—*Average price for earthwork.*—That in the making of the project for any proposed insular highway, or in the paying for earthwork in the construction by contract of any such highways, the average or mean price of the cost of the unity of excavation or embankment shall be used in determining the cost of the total amount of earthwork, as far as practicable, and that the system of classification of earthly material shall be used only in those cases in which the system of average prices cannot, in the judgment of the Superintendent of Public Works be advantageously applied.

SECTION 417.—*Provisions regarding the project.*—That when proposals for doing any work are advertised for, the project shall be open to the inspection of the public, and the same shall, with the exception of the explanatory memorial, be a part of the contract that may be entered into for doing the proposed work.

CHAPTER IV.

DECLARATION OF PUBLIC UTILITY.

SECTION 418.—*Public utility.*—All the insular public works, which are the subject of the present Title, are hereby declared to be of public utility.

SECTION 419.—*Object of such declaration.*—The foregoing declaration of public utility shall carry with it.

- I. The benefit of neighborhood for the builders

and their employees, which consists in the use of the objects enjoyed in common by the citizens of the municipality in which the works are situated.

2. The application of the law of eminent domain to private property, in accordance with the provisions of such law and of the rules and regulations for the execution of it.

3. The exemption from payment of any and all fees charged by registrars of property, which may take place in consequence of the application of the said law of eminent domain.

CHAPTER V.

CONTRACTS.

SECTION 420.—*Work done by contract.*—That the insular public works and joined services connected therewith, such as the buying of materials and so forth, which are the subject of this Title shall be done by contract awarded after public bidding in accordance with the provisions hereof.

SECTION 421.—*Works done by administration.*—That the insular public works shall be carried on by the system of administration only in the case of works which, on account of their peculiar conditions, cannot well be made the object of a contract, or whenever the estimate cannot be made with the necessary accuracy or whenever the element of chance shall predominate in the execution of the said works, or whenever there may exist any other good and proper reason therefor. In all such cases the Commissioner of the Interior shall decide how the proposed work shall be done.

SECTION 422.—*Private Contracts.*—That the works, or parts of works, which shall be built, and the goods

to be acquired in the United States, or in a foreign country for transportation to Porto Rico, and all others hereinafter specified, are hereby exempted from contracting through public bidding and may be made the object of private contract; *Provided*, that the said private contracts shall be approved by the Commissioner of the Interior.

SECTION 423.—*Work that can be done by administration.*—The following are works which can be done by the system of administration.

1. Works and services, the cost of which shall not exceed one thousand dollars, without it being necessary to attempt to make a contract for them through public bidding.

2. Works which, although exceeding the afore-said amount, cannot be contracted for after an attempt has been made to do so through public bidding, if, after hearing the opinion of the Superintendent of Public Works, the Commissioner of the Interior shall consider it more convenient to have the works done by administration than to increase the prices or change the specifications in order to ask for new bids. In case of a change of specification a new attempt shall be made to contract for the said works through public bidding, and in default thereof a private contract before ordering its execution by administration.

3. Works which, whatever their cost and importance, shall be declared urgent, after hearing the opinion of the Superintendent of Public Works, by the Commissioner of the Interior.

4. Works which require special care in execution from a technical point of view, and the Superintendent of Public Works shall so recommend it and the Commissioner of the Interior shall so order it.

SECTION 424.—*Board of Award*—That there shall be a board of award to be composed of the Assistant Commissioner of the Interior, the Superintendent of the Public Works, and the Assistant Superintendent of Public Works. It shall be the duty of this board to pass upon all bids made for the construction of any and all public works, and to award the contract, subject to the approval of the Commissioner of the Interior. In all cases where the members of the board shall not be of the same opinion, the question shall be decided by a majority vote, and *Provided*, further, that minutes of the transactions of the board of award shall be kept in writing and duly signed,

SECTION 425.—*Duties of the Commissioner of the Interior*.—That the Commissioner of the Interior shall provide all needful rules and regulations, including forms of advertisements and proposals, to which the board of award shall conform in awarding contracts; *Provided*, however, that proposals shall be made, as far as practicable, for the total cost of the work, and contracts shall be let to the lowest responsible bidder, but the Commissioner of the Interior shall reserve the right to reject any and all bids; and provided further, that all contractors shall be required to give sufficient bond, with penalty, conditioned on the faithful performance of the works in a proper manner and within the time named in the contracts.

SECTION 426.—*Duties of the Commissioner of the Interior*.—That the Commissioner of the Interior shall before July 1st, 1902, prescribe and publish in the Official Gazette, a set of general conditions for the contracting of the insular public works, and immediately upon such publication the articles of general conditions enacted by the government of Spain on June 11, 1886, shall

stand repealed, abrogated and substituted by the set of general conditions issued by the said Commissioner of the Interior as aforesaid, which new set of general conditions shall thereafter have the force and effect of law; *Provided*, however, that said set of conditions shall require all contractors to maintain and guarantee all work done by them for a period of time not less than four months. That the Commissioner of the Interior shall submit, together with his recommendations, a copy of the said set of general conditions to the Legislative Assembly of Porto Rico at its next regular session.

CHAPTER VI.

GENERAL PROVISIONS.

SECTION 427.—*Repealing clause*.—That the general law of public works for the island of Porto Rico and the rules and regulations for the execution of the same, enacted June 22nd, 1881, and all laws, decrees, orders, general orders or parts thereof, in conflict with this Title are hereby repealed.

PENAL CODE.

PENAL CODE.

AN ACT TO ESTABLISH A PENAL CODE FOR PORTO RICO.

Be it enacted by the Legislative Assembly of Porto Rico:

TITLE OF THE ACT.

SECTION 1.—That this Act shall be known as the
“Penal Code of Porto Rico.”

TITLE I.

GENERAL PROVISIONS.

SECTION 2.—No part of it is retroactive, unless expressly so declared.

SECTION 3.—All provisions and sections of this Code are to be construed according to the fair construction of their terms, with a view to effect its object and to promote justice.

SECTION 4.—This Act whenever cited, enumerated, referred to or amended may be designated as the Penal Code, adding when necessary the number of the section.

SECTION 5.—No person shall be arrested for any crime or offense unless such crime or offense is expressly declared in this Code, except for crimes and offenses against the laws of the United States applicable to Porto Rico

and the enactments of the Legislative Assembly of Porto Rico and laws enacted by Congress of the United States for Porto Rico.

SECTION 6.—Nothing in this Act affects any of the statutes, laws, orders or parts thereof enacted by the Congress of the United States, the Executive Council under power granted by law, or the Legislative Assembly of Porto Rico, except so far as they have been repealed or effected by subsequent laws.

SECTION 7.—This Code does not affect any power conferred by law upon any court martial, or military authority or other officer, to impose or inflict punishment upon offenders; nor any power conferred by law upon any public body, tribunal, or officer, to impose or inflict punishment upon offenders.

SECTION 8.—The word "State" as used in this Code, when applied to the different parts of the United States, includes the District of Columbia and territories. The words "United States" include the District of Columbia and the territories.

SECTION 9.—Whenever in this Code the character or grade of an offense, or its punishment, is made to depend upon the value of the property, such value shall be estimated exclusively in United States gold coin.

TITLE II.

OF CRIMES AND PENALTIES.

SECTION 10.—A crime or public offense is an act committed or omitted in violation of a law forbidding or commanding it and to which is annexed, upon conviction, either of the following punishments:

First.—Death,

Second.—Imprisonment.

Third.—Fine.

Fourth.—Removal from office; or,

Fifth.—Disqualification to hold and enjoy any office of honor, trust or profit.

SECTION 11.—In every crime or public offense there must exist a union or joint operation of act and intent or criminal negligence.

SECTION 12.—The intent or intention is manifested by the circumstances connected with the offense and the sound mind and discretion of the accused. All persons are of sound mind who are neither idiots, nor lunatics nor affected with insanity. A malicious and guilty intention is presumed from the manner and deliberation with which an unlawful act is intended or committed for the purpose of injuring another.

SECTION 13.—Crimes are divided into: First,—Felonies; and Second,—Misdemeanors.

SECTION 14.—A felony is a crime which is punishable with death, or by imprisonment in the penitentiary. Every other crime is a misdemeanor. When a crime punishable by imprisonment in the penitentiary is also punishable by fine or imprisonment in jail, in the discretion of the court, it shall be deemed a misdemeanor for all purposes after a judgment imposing a punishment other than imprisonment in the penitentiary.

SECTION 15.—Except in cases where a different punishment is prescribed by this Code every offense declared to be a felony is punishable by imprisonment in the penitentiary not exceeding five years.

SECTION 16.—Except in cases where a different punishment is prescribed by this Code every offense declared to be a misdemeanor is punishable by imprisonment in jail not exceeding two years, or by a fine not exceeding two hundred and fifty dollars, or by both.

SECTION 17.—When an act or omission is declared by a statute to be a public offense, and no penalty for the offense is prescribed in any statute, the act or omission is punishable as a misdemeanor.

SECTION 18.—Except in cases where a different punishment is prescribed, an accessory is punishable by imprisonment in the penitentiary not exceeding seven years, or in jail not exceeding two years, or by fine not exceeding five thousand dollars.

Aiding in misdemeanor is a misdemeanor.

SECTION 19.—Upon a conviction for any crime punishable by imprisonment in any jail or penitentiary, in relation to which no fine is herein prescribed, the court may impose a fine on the offender not exceeding two hundred dollars, in addition to the imprisonment prescribed.

SECTION 20.—A sentence of imprisonment in the penitentiary for any term less than for life suspends all the civil rights of the person so sentenced, and forfeits all public offices and all private trusts, authority, or power during such imprisonment.

SECTION 21.—A person sentenced to imprisonment in the penitentiary for life is thereafter deemed civilly dead.

SECTION 22.—The provisions of the last two preceding sections must not be construed to render the persons therein mentioned incompetent as witnesses upon the trial of a criminal action or proceeding, or incapable of making and acknowledging a sale or conveyance of property.

SECTION 23.—The omission to specify or affirm in this Code any ground of forfeiture of a public office, or other trust or special authority conferred by law, or any power conferred by law to impeach, remove, de-

pose, or suspend any public officer or other person holding any trust, appointment, or other special authority conferred by law, does not affect such forfeiture or power, or any proceeding authorized by law to carry into effect such impeachment, removal, deposition, or suspension.

SECTION 24.—In addition to the penalty affixed by express terms, to every neglect or violation of official duty on the part of public officers of Porto Rico, or of any municipality, city, village or other civil division, where it is not so expressly provided, they may, in the discretion of the court, be removed from office.

SECTION 25.—The omission to specify or affirm in this Code any liability to damages, penalty, forfeiture, or other remedy imposed by law, and allowed to be recovered, or enforced in any civil action or proceeding, for any act or omission declared punishable herein, does not affect any right to recover or enforce the same.

SECTION 26.—No conviction of any person for crime works any forfeiture of any property, except in cases in which a forfeiture is expressly imposed by law.

SECTION 27.—The several sections of this Code which declare certain crimes to be punishable as therein mentioned, devolve a duty upon the court authorized to pass sentence, to determine and impose the punishment prescribed.

SECTION 28.—Whenever in this Code the punishment for a crime is left undetermined between certain limits, the punishment to be inflicted in a particular case must be determined by the court authorized to pass sentence, within such limits as may be prescribed by this Code.

SECTION 29.—Whenever, by any of the provisions of

this Code, an intent to defraud is required in order to constitute any offense, it is sufficient if an intent appears to defraud any person, association, or body politic, or corporate, whatever.

SECTION 30.—It is understood that the district in which a criminal case is tried and conviction had, that the guilty party be confined to the jail of that district, if the offense is a misdemeanor, unless otherwise provided.

SECTION 31.—When any person is convicted of two or more crimes before sentence has been pronounced upon him for either, the imprisonment to which he is sentenced upon the second or other subsequent conviction must commence at the termination of the first term of imprisonment to which he shall be adjudged, or at the termination of the second or other subsequent term of imprisonment, as the case may be.

SECTION 32.—The term of imprisonment fixed by the judgment in a criminal action commences to run only upon the actual delivery of the defendant at the place of the imprisonment; and if, thereafter, during such term, the defendant by any legal means is temporarily released from such imprisonment, and subsequently returned thereto, the time during which he was at large must not be computed as part of such term.

SECTION 33.—Whenever any person is declared punishable for a crime by imprisonment in the penitentiary for a term not less than any specified number of years, and no limit to the duration of such imprisonment is declared, the court authorized to pronounce judgment upon such conviction may, in its discretion, sentence such offender to imprisonment during his natural life, or for any number of years not less than that prescribed.

SECTION 34.—The person of a convict sentenced to

imprisonment in the penitentiary is under the protection of the law, and any injury to his person, not authorized by law, is punishable in the same manner as if he were not convicted or sentenced.

TITLE III.

OF PARTIES TO CRIME.

SECTION 35.—The parties to crimes are classified as:

- 1.—Principals ; and,
- 2.—Accessories.

SECTION 36.—All persons concerned in the commission of a crime, whether it be felony or misdemeanor, and whether they directly commit the act constituting the offense, or aid or abet in its commission, or, not being present, have advised and encouraged its commission, and all persons counseling, advising, or encouraging children under the age of fourteen years, lunatics or idiots, to commit any crime, or who, by fraud, contrivance, or force, occasion the drunkenness of another for the purpose of causing him to commit any crime, are principals in any crime so committed.

SECTION 37.—All persons who, after full knowledge that a felony has been committed, conceal it from the proper authorities, or harbor and protect the person charged with or convicted thereof, are accessories.

SECTION 38.—The following persons are liable to punishment :

- 1.—All persons who commit, in whole or in part, any crime within the jurisdiction of the courts ;
- 2.—All who commit larceny or robbery beyond the jurisdiction of the courts, and bring to, or are found with the property stolen within this jurisdiction;
- 3.—All who, being beyond the jurisdiction of the

courts, cause or aid, advise or encourage, another person to commit a crime within Porto Rico or the adjacent island thereto, and are afterwards found therein.

SEC. 39.—All persons are capable of committing crimes except those belonging to the following classes:

- 1.—All children under the age of seven years ;
- 2.—Children over the age of seven years but under the age of fourteen years, in the absence of clear proof that at the time of committing the act charged against them they knew its wrongfulness ;
- 3.—Idiots ;
- 4.—Lunatics and insane persons ; but a morbid propensity to commit prohibited acts, existing in the mind of a person who is not shown to have been incapable of knowing the wrongfulness of such acts, forms no defense to a prosecution therefor ;
- 5.—Persons who committed the act or made the omission charged under an ignorance or mistake of fact, which disproves any criminal intent ;
- 6.—Persons who committed the act charged without being conscious thereof ;
- 7.—Persons who committed the act or made the omission charged through misfortune or by accident, when it appears that there was no evil design, intention, or culpable negligence ;
- 8.—If the act committed was intended for another, the person committing the offense is answerable as though it was committed against the person intended.
- 9.—Married women (except for felonies) acting under the threats, command, or coercion of their husbands. In cases of felonies, however, the wife is not excused from punishment by reason of her subjection to the power of her husband, unless the facts proved show a case of duress ;

10.—Persons (unless the crime be punishable with death) who committed the act or made the omission charged under threats or menaces sufficient to show that they had reasonable cause to, and did believe their lives would be endangered if they refused.

SECTION 40.—No person is punishable for an omission to perform an act, where such act has been performed by another person acting in his behalf, and competent by law to perform it.

SECTION 41.—No act committed by a person while in a state of voluntary intoxication is less criminal by reason of his having been in such condition. But, whenever the actual existence of any particular purpose, motive, or intent is a necessary element to constitute any particular species or degree of crime, the jury may take into consideration the fact that the accused was intoxicated at the time, in determining the purpose, motive, or intent with which he committed the act.

SECTION 42.—It shall be unlawful for any person to wear any mask, false whiskers, or any personal disguise (whether complete or partial) for the purpose of

1.—Evading or escaping discovery, recognition, or identification in the commission of any offense;

2.—Concealment, flight, or escape, when charged with, arrested for, or convicted of, any public offense. Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor.

SECTION 43.—The various sections of this Code which declare that evidence obtained upon the examination of a person as a witness cannot be received against him in any criminal proceeding, do not forbid such evidence being proved against such person upon any proceedings founded upon a charge of perjury committed in such examination.

SECTION 44.—An act or omission which is made punishable in different ways by different provisions of this Code, may be punished under either of such provisions, but in no case can it be punished under more than one; an acquittal or conviction and sentence under either one bars a prosecution for the same act or omission under any other.

SECTION 45.—A criminal act is not less punishable as a crime because it is also declared to be punishable as a contempt.

SECTION 46.—When it appears, at the time of passing sentence upon a person convicted upon information, that such person has already paid a fine or suffered an imprisonment for the act of which he stands convicted, under an order adjudging it a contempt, the court authorized to pass sentence may mitigate the punishment to be imposed in its discretion.

SECTION 47.—Whenever an act is declared a misdemeanor, and no punishment for counseling or aiding in the commission of such act is expressly prescribed by law, every person who counsels or aids another in the commission of such act is guilty of a misdemeanor.

SECTION 48.—In the various cases in which the sending of a letter is made criminal by this Code, the offense is deemed complete from the time when such letter is deposited in any post-office or any other place, or delivered to any person, with intent that it shall be forwarded.

SECTION 49.—Any person may be tried and convicted of an intent to commit a crime although it appears at the trial that the crime was actually committed as intended or attempted, unless the court in its discretion dismisses the charges and directs such person to be tried for such crime.

SECTION 50.—Every person who attempts to commit any crime, but fails, or is prevented or intercepted in the perpetration thereof, is punishable, where no provision is made by law for the punishment of such attempts, as follows:

1.—If the offense so attempted is punishable by imprisonment in the penitentiary for five years, or more, or by imprisonment in jail, the person guilty of such attempt is punishable by imprisonment in the penitentiary, or in jail, as the case may be, for a term not exceeding one-half the longest term of imprisonment prescribed upon a conviction of the offense so attempted.

2.—If the offense so attempted is punishable by imprisonment in the penitentiary for any term less than five years, the person guilty of such attempt is punishable by imprisonment in jail for not more than one year.

3.—If the offense so attempted is punishable by a fine, the offender convicted of such attempt is punishable by a fine not exceeding one-half the largest fine which may imposed upon a conviction of the offense so attempted.

4.—If the offense so attempted is punishable by imprisonment and by a fine, the offender convicted of such attempt may be punished by both imprisonment and one-half the largest fine which may be imposed upon a conviction for the offense so attempted.

Attempts included in sections, 224, 225, 231 and 233 are not included in this section.

SECTION 51.—The last two sections do not protect a person who, attempting unsuccessfully to commit a crime, accomplishes the commission of another and different crime, whether greater or less in guilt, from suff-

ering the punishment prescribed by law for the crime committed.

SECTION 52.—Resistance sufficient to prevent the offense may be made by the party about to be injured:

1.—To prevent an illegal attempt by force to take or injure property in his lawful possession;

2.—To prevent an offense against his person or his family or some member thereof.

SECTION 53.—Any other person in aid or defense of the person about to be injured may make resistance sufficient to prevent the offense.

SECTION 54.—The right of self-defense in no case extends to the infliction or more harm than is necessary for the purpose of defense. To justify a homicide on the ground of self-defense, there must be not only the belief but also reasonable ground for believing that at the time of killing the deceased, the party killing was in imminent or immediate danger of his life or great bodily harm. The circumstances must be such as to induce the mind of a reasonably prudent person to entertain the belief that the defendant was in peril of his life or great bodily harm. Reasonable fear does not mean the fear of a coward but the fear of a reasonably courageous man.

SECTION 55.—The question whether a homicide was committed in self-defense is a matter to be submitted to the court or jury.

TITLE IV.

OF SUBSEQUENT OFFENSES.

SECTION 56.—Every person who, having been convicted of an offense punishable by imprisonment in the penitentiary commits any crime after such conviction, is punishable therefor as follows:

1.—If the offense, of which such person is subsequently convicted is such that, upon a first conviction, an offender would be punishable by imprisonment in the penitentiary, for any term exceeding five years, such person is punishable by imprisonment in the penitentiary not less than ten years.

2.—If the subsequent offense is such that, upon a first conviction the offender would be punishable by imprisonment in the penitentiary for five years, or any less term, then the person convicted of such subsequent offense is punishable by imprisonment in the penitentiary not exceeding ten years.

3.—If the subsequent conviction is for petit larceny, or any attempt to commit an offense which, if committed would be punishable by imprisonment in the penitentiary not exceeding five years, then the person convicted of such subsequent offense is punishable by imprisonment in the penitentiary not exceeding five years.

SECTION 57.—Every person who, having been convicted of petit larceny, or of an attempt to commit an offense which, if perpetrated, would be punishable by imprisonment in the penitentiary, commits any crime after such conviction, is punishable as follows:

1.—If the subsequent offense is such that, upon a first conviction, the offender would be punishable by imprisonment in the penitentiary for life at the discretion of the court, such person is punishable by imprisonment in such prison during life.

2.—If the subsequent offense is such that, upon a first conviction, the offender would be punishable by imprisonment in the penitentiary for any term less than for life, such person is punishable by imprisonment in such prison for the longest term prescribed, upon a conviction for such first offense.

3.—If the subsequent conviction is for petit larceny, or for an attempt to commit an offense which, if perpetrated, would be punishable by imprisonment in the penitentiary, then such person is punishable by imprisonment in the penitentiary not exceeding five years.

SECTION 58.—Every person who has been convicted in any State, government, or country, of an offense which, if committed within Porto Rico, would be punishable by the laws of Porto Rico by imprisonment in the penitentiary, is punishable for any subsequent crime committed within Porto Rico in the manner prescribed in the last two sections, and to the same extent as if such first conviction had taken place in a court of Porto Rico.

SECTION 59.—Whoever has been twice convicted of felony, sentenced and committed to the penitentiary in Porto Rico, for terms of not less than five years each, shall upon conviction of a felony committed in Porto Rico, after the passage of this Code, be deemed to be an habitual criminal, and shall be punished by imprisonment in the penitentiary for fifteen years, *Provided*, however, that if a person so convicted shall show to the satisfaction of the court before which such conviction was had that he was released from imprisonment upon either of said sentences, upon a pardon granted on the ground that he was innocent, such conviction and sentence shall not be considered as such under this law.

SECTION 60.—Whenever it shall appear to the Governor, upon the recommendation of the Attorney General, that any person sentenced to the penitentiary as an habitual criminal has reformed, the Governor may, with the consent of the Executive Council, issue to him a permit to be at liberty, and may revoke such permit at any time. The violation by the holder of a permit,

granted as aforesaid, of any of the terms or conditions of such permit, or the violation of any of the laws of Porto Rico, may of itself make void said permit.

SECTION 61.—When any permit granted under the provisions of the preceding Section has been revoked, or has become void as aforesaid, the Governor shall direct the arrest of the holder of said permit and his return to said penitentiary. Said warrant may be served by any officer authorized to serve criminal process in any judicial district. The holder of said permit, when returned to the penitentiary as aforesaid, shall be detained therein according to the terms of his original sentence; and in computing the period of his confinement the time between his release upon said permit and his return to the penitentiary shall not be taken to be any part of the term of sentence.

TITLE V.

CONSPIRACY.

SECTION 62.—If two or more persons conspire:

- 1.—To commit any crime;
- 2.—Falsely and maliciously to present another for any crime, or to procure another to be charged or arrested for any crime;
- 3.—Falsely to move or maintain any suit, action, or proceeding;
- 4.—To cheat and defraud any person of any property by any means which are in themselves criminal, or to obtain money or by false pretenses; or,
- 5.—To commit any act injurious to the public health, the public morals, or for the perversion or obstruction of justice or due administration of the laws;
- 6.—They are punishable by imprisonment in jail

not exceeding one year or by fine not exceeding one thousand dollars, or both.

SECTION 63.—No agreement, except to commit a felony upon the person of another, or to commit arson, or burglary, amounts to conspiracy, unless some act, beside such agreement, be done to effect the object thereof, by one or more of the parties to such agreement.

TITLE VI.

SECURITY TO KEEP THE PEACE.

SECTION 64.—A complaint may be laid before any of the magistrates mentioned in Section 13 that a person has threatened to commit an offense against the person or property of another.

SECTION 65.—When the complaint is laid before such magistrate, he must examine on oath the informer and any witness he may produce, and all other proofs that may be presented, must take their depositions in writing, and cause them to be subscribed by the parties making them.

SECTION 66.—If it appears that there is just reason to fear the commission of the offense threatened, by the person so informed against, the magistrate must issue a warrant, directed to any marshal, or policeman, reciting the substance of the complaint, and commanding the officer forthwith to arrest the person informed of and take him before a justice of the peace.

SECTION 67.—When the person informed against is brought before the justice of the peace, if the charge be controverted, the justice of the peace must take testimony in relation thereto. The evidence must be reduced to writing, and subscribed by the witnesses.

SECTION 68.—If it appears that there is no just rea-

son to fear the commission of the offense alleged to have been threatened the person complained of must be discharged, and the complaining witness to pay the costs.

SECTION 69.—If, however, there is just reason to fear the commission of the offense, the person complained of may be required to enter into an undertaking in such sum, not exceeding one thousand dollars, as the justice of the peace may direct, with one or more sufficient sureties, to keep the peace toward The People of Porto Rico, and particularly toward the informer. The undertaking is valid and binding for six months, and may, upon the renewal of the complaint, be extended for a longer period or a new undertaking may be required.

SECTION 70.—If the undertaking required by the last section is given, the party informed against must be discharged; if he does not give it, the justice of the peace must commit him to jail, specifying in the warrant the requirement to give security amount thereof, and the omission to give the same.

SECTION 71.—If the person complained of is committed for not giving the undertaking required, he may be discharged by any justice of the peace, upon giving the same.

SECTION 72.—The undertaking must be filed by the justice of the peace, in the office of the clerk of the court.

SECTION 73.—A person who, in the presence of a court or justice of the peace, assaults or threatens to assault another, or to commit an offense against his person or property, may be ordered by the court or justice of the peace to give security, as in this Title provided, and if he refuse to do so, may be committed as provided in Section 70 of this Code.

SECTION 74.—Upon the conviction of the person

informed against of a breach of the peace the undertaking is broken.

SECTION 75.—Upon the prosecuting attorney's producing evidence of such conviction to the District Court, the court must order the undertaking to be prosecuted, and the prosecuting attorney must thereupon commence an action upon it in the name of The People of Porto Rico.

SECTION 76.—Security to keep the peace, or be of good behavior, cannot be required except as prescribed in this Title.

TITLE VII.

OF THE TIME OF COMMENCING CRIMINAL ACTIONS.

SECTION 77.—There is no limitation of time within which a prosecution for murder, the embezzlement of public moneys and the falsification of public records must be commenced.

SECTION 78.—The prosecution for any felony other than murder, the embezzlement of public money, or the falsification of public records, must be commenced within three years after its commission.

SECTION 79.—The prosecution for any misdemeanor must be commenced within one year after its commission.

SECTION 80.—If when the offense is committed, the defendant is out of Porto Rico, the information may be filed within the term herein limited after his coming within Porto Rico, and no time during which the defendant is not an inhabitant of, or usually resident within Porto Rico, is part of the limitation.

TITLE VIII.

OF CRIMES BY AND AGAINST THE EXECUTIVE POWER.

SECTION 81.—Any person who exercises any function of a public office without the authority or without complying with the requirements of law, is punishable by imprisonment in jail for not less than six months or more than two years.

SECTION 82.—Every person who gives or offers any bribe to any executive officer, with intent to influence him in respect to any act, decision, vote, opinion, or other proceeding as such officer, is punishable by imprisonment in the penitentiary not less than one nor more than fourteen years, and is forever disqualified from holding any office.

SECTION 83.—Every executive officer, or person elected or appointed to an executive office, who asks, receives, or agrees to receive, any bribe, upon any agreement or understanding that his vote, opinion, or action upon any matter then pending or which may be brought before him in his official capacity, shall be influenced thereby, is punishable by imprisonment in the penitentiary not less than one nor more than fourteen years; and, in addition thereto, forfeits his office, and is forever disqualified from holding any office.

SECTION 84.—Every person who attempts, by means of any threat or violence, to deter or prevent an executive officer from performing any duty imposed upon such officer by law, or who knowingly resists, by the use of force or violence, such officer, in the performance of his duty, is punishable by fine not exceeding five thousand dollars, and imprisonment in the penitentiary not exceeding five years.

SECTION 85.—Every executive or ministerial officer

who knowingly asks or receives any emolument, gratuity, or reward, or any promise thereof, excepting such as may be authorized by law, for doing any official act, is guilty of a misdemeanor.

SECTION 86.—Every officer who against the laws shall become interested in contracts, or becomes a vendor or purchaser at sales, or shall purchase scrip, or other evidences of indebtedness, is punishable by a fine of not more than one thousand dollars, or by imprisonment in the penitentiary not more than five years, and is forever disqualified from holding any office.

SECTION 87.—Every person who, with intent to defraud, presents for allowance or for payment to any disbursing officer, or other officer, or to any person or officer authorized to allow or pay the same if genuine, any false or fraudulent claim, bill, account, voucher, or writing, is guilty of felony.

SECTION 88.—Every person who gives or offers any gratuity or reward, in consideration that he or any other person shall be appointed to any public office, or shall be permitted to exercise or discharge the duties thereof, is guilty of misdemeanor.

Every person shall be disqualified from holding any office of profit who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SECTION 89.—Every public officer who, for any gratuity or reward, appoints another person to a public office, or permits another person to exercise or discharge any of the duties of his office, is punishable by a fine not exceeding five thousand dollars, and, in addition thereto, forfeits his office, and is forever disqualified from holding any office in Porto Rico.

SECTION 90.—Every person who wilfully and know-

ingly intrudes himself into any public office to which he has not been elected or appointed, and every person who, having been an executive officer, wilfully exercises any of the functions of his office after his term has expired, and a successor has been elected or appointed and has qualified is guilty of a misdemeanor.

SECTION 91.—Every officer whose office is abolished by law, or who, after the expiration of the time for which he may be appointed or elected, or after he has resigned or been legally removed from office, wilfully and unlawfully withholds or detains from his successor, or other person entitled thereto, the records, papers, documents, or other writing appertaining or belonging to his office, or mutilates, destroys, or takes away the same, is guilty of felony and upon conviction thereof is punishable by imprisonment in the penitentiary not less than one nor more than ten years.

SECTION 92.—Every wilful omission to perform any duty enjoined by law upon any public officer, or person holding any public trust or employment, where no special provision shall have been made for the punishment of such delinquency, is punishable as a misdemeanor.

SECTION 93.—Every person holding a public office, who wilfully refuses or neglects to perform the duties thereof, or who violates any provision of law relating to his duties or the duties of his office, for which some other punishment is not prescribed, is punishable by fine not exceeding five thousand (5,000) dollars, or by imprisonment in jail not exceeding one year or both.

SECTION 94.—The various provisions of this Chapter apply also to municipal, administrative and ministerial officers, in the same manner as if they were mentioned therein.

TITLE IX.

OF CRIMES AGAINST THE LEGISLATIVE POWER.

SECTION 95.—Every person who wilfully, and by force or fraud, prevents the Legislative Assembly, or either of the houses composing it, or any of the members thereof from meeting or organizing, is guilty of felony.

SECTION 96.—Every person who wilfully disturbs the Legislative Assembly, or either of the houses composing it, while in session, or who commits any disorderly conduct in the immediate view and presence of either house, tending to interrupt its proceedings or impair the respect due to its authority, is guilty of a misdemeanor.

SECTION 97.—Every person who fraudulently alters the draft of any bill or resolution which has been presented to either of the houses composing the Legislative Assembly, to be passed or adopted, with intent to procure it to be passed or adopted by either house, or certified by the presiding officer of either house, in language different from that intended by such house, is guilty of felony.

SECTION 98.—Every person who fraudulently alters the enrolled copy or any bill of resolution which has been passed or adopted by either of the house composing the Legislative Assembly, with intent to procure it to be approved by the Governor, or certified by the Secretary, or printed or published by the printer of the statutes, in language different from that in which it was passed or adopted by the Legislative Assembly, is guilty of felony.

SECTION 99.—Every persons who gives or offer to give a bribe to any member of the Legislative Assem-

bly, or to another person for him, or attempts by menace, deceit, suppression of truth, or any corrupt means, to influence a member in giving or withholding his vote, or in not attending the house or any committee of which he is a member, is punishable by imprisonment in the penitentiary not less than one nor more than ten years.

SECTION 100.—Every member of either of the houses composing the Legislative Assembly who ask, receives, or agrees to receive any bribe, upon any understanding that his official vote, opinion, judgment, or action shall be influenced thereby, or shall be given in any particular manner, or upon any particular matter, or upon any particular side of any question or matter upon which he may be required to act in his official capacity, or gives or offers, or promises to give any official vote in consideration that another member of the Legislative Assembly shall give any such vote, either upon the same or another question, is punishable by imprisonment in the penitentiary not less than one nor more than fourteen years, and upon conviction thereof shall, in addition to said punishment, forfeit his office, be disfranchised, and for ever disqualified from holding any office or public trust.

SECTION 101.—Every person who, being summoned to attend as witness before either house of the Legislative Assembly or any committee thereof, refuses or neglects, without lawful excuse, to attend pursuant to such summons; and every person who, being present before either house of the Legislative Assembly or any committee thereof, wilfully refuses to be sworn, or to answer any material and proper question, or to produce, upon reasonable notice, any material and proper

books, papers or documents in his possession or under his control is guilty of a misdemeanor.

SECTION 102.—Every member of the Legislative Assembly convicted of any crime defined in this Title, in addition to the punishment prescribed, forfeits his office, and is forever disqualified from holding any office.

SECTION 103.—Every person who obtains, or seeks to obtain money or other thing of value from another person, upon a pretense, claim, or representation that he can or will improperly influence in any manner the action of any member of a legislative body in regard to any vote or legislative matter, is guilty of a felony.

TITLE X.

OF CRIMES AGAINST PUBLIC JUSTICE.

CHAPTER I

BRIBERY AND CORRUPTION.

SECTION 104.—Every person who gives or offers to give a bribe to any judicial officer, juror, referee, arbitrator, or to any person who may be authorized by law to hear or determine any question or controversy, with intent to influence his vote, opinion, or decision upon any matter or question which is or may be brought before him for decision, is punishable by imprisonment in the penitentiary not less than one nor more than ten years.

SECTION 105.—Every judicial officer, juror, referee, arbitrator, and every person authorized by law to hear or determine any question or controversy, who asks, receives, or agrees to receive, any bribe, upon any agreement or understanding that his vote, opinion, or decision upon any matter or question which is or may

be brought before him for decision, shall be influenced thereby, is punishable by imprisonment in the penitentiary not less than one nor more than ten years.

SECTION 106.—Every judicial officer who asks or receives any emolument, gratuity, or reward, or any promise thereof, except such as may be authorized by law, for doing any official act, is guilty of a misdemeanor.

SECTION 107.—Every judicial officer who shall ask or receive the whole or any part of the fees allowed by law to any stenographer or reporter appointed by him or any other person, to record the proceedings of any court or investigation held by him, shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit his office. Any stenographer or reporter, appointed by any judicial officer, who shall pay or offer to pay, the whole or any part of the fees allowed him by law for his appointment or retention in office, shall be guilty of a misdemeanor, and upon conviction thereof shall be forever disqualified from holding any similar office in the courts.

SECTION 108.—Every person who corruptly attempts to influence a juror, or any person summoned or drawn as a juror, or chosen as an arbitrator, or appointed as a referee, in respect to his verdict in, or decision of any cause or proceeding, pending or about to be brought before him, either:

- 1.—By means of any communication, oral or written, had with him except in the regular course of proceedings;

- 2.—By means of any book, paper, or instrument exhibited, otherwise than in the regular course of proceedings;

- 3.—By means of any threat, intimidation, persuasion or entreaty; or,

4.—By means of any promise, or assurance of any pecuniary or other advantage;

Is punishable by fine not exceeding five thousand dollars, or by imprisonment in the penitentiary not exceeding five years.

SECTION 109.—Every juror, or person drawn or summoned as a juror, or chosen arbitrator or appointed referee, who either:

1.—Makes any promise or agreement to give a verdict or decision for or against any party; or,

2.—Wilfully and corruptly permits any communication to be made to him or receives any book, paper, instrument or information relating to any cause or matter pending before him, except according to the regular course of proceedings;

Is punishable by fine not exceeding five thousand dollars, or by imprisonment in the penitentiary not exceeding five years.

SECTION 110.—Every justice of the peace or employe thereof, or any policeman within the jurisdiction in which the said justice of the peace acts, who purchases or is interested in the purchase of any judgment or part thereof on the docket of or on the docket in possession of, such justice of the peace, is guilty of a misdemeanor.

SECTION 111.—Every person who gives or offers a bribe to a member of any municipal council or to a member of any other council, board, corporation, election committee, or other official with intent to corruptly influence such member or other official in his action on any matter or subject pending before the body of which he is a member, and any member of either of the bodies mentioned in this section or other official who receives or offers to receive any such bribe, is

punishable by imprisonment in the penitentiary for a term not less than one nor more than ten years, and is disqualified from holding any public office in Porto Rico.

CHAPTER II.

FORGING, STEALING, MUTILATING, AND FALSIFYING JUDICIAL AND PUBLIC RECORDS AND DOCUMENTS.

SECTION 112.—Every officer having the custody of any record, map, or book, or of any paper or proceeding of any court, filed or deposited in any public office, or placed in his hands for any purpose, who is guilty of stealing, wilfully destroying, mutilating, defacing, altering or falsifying, removing or secreting the whole or any part of such record, map, book, paper or proceedings, or who permits any other person so to do, is punishable by imprisonment in the penitentiary not less than one or more than ten years, and by fine not to exceed five thousand (5,000) dollars.

SECTION 113.—Every person, not an officer such as is referred to in the preceding section, who is guilty of any of the acts specified in that section, is punishable by imprisonment in the penitentiary not exceeding five years, or in jail not exceeding one year, or by a fine not exceeding one thousand (1,000) dollars, or both.

SECTION 114.—Every person who knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any public office within Porto Rico, which instrument, if genuine, might be filed or registered, or recorded under the laws of Porto Rico, or under the laws of the United States applicable to Porto Rico, is guilty of felony.

SECTION 115.—Every person who adds any names to the list of persons selected to serve as jurors for the courts, either by placing the same in the jury-box or otherwise, or extracts any name therefrom, or destroys the jury-box, or any of the pieces of paper containing the names of jurors, or mutilates or defaces such names so that the same cannot be read, or changes such names on the pieces of paper, except in such cases allowed by law, is guilty of a felony.

SECTION 116.—Every officer or person required by law to certify to the list of persons selected as jurors, who maliciously corruptly or wilfully certifies to a false or incorrect list, or a list containing other names than those selected, or who, being required by law to write down the names placed on the certified lists on separate pieces of paper, does not write down and place in the jury-box the same names that are on the certified list, and no more and no less than are on such lists, is guilty of a felony.

CHAPTER III.

PERJURY.

SECTION 117.—Every person who, having taken an oath that he will testify, declare, depose, or certify truly before any competent tribunal, officer, or person, in any of the cases in which such an oath may by law be administered, wilfully and contrary to such oath, states as true any material matter which he knows to be false, is guilty of perjury. It is no defense to a prosecution for perjury that the oath was administered or taken in an irregular manner.

SECTION 118.—The term "oath," as used in the preceding section, includes an affirmation and every other

mode authorized by law of attesting the truth of that which is stated.

That mode of swearing which the witness believes most obligatory may be adopted. No special form of oath or affirmation is required.

SECTION 119.—It is no defense to a prosecution for perjury that the accused was not competent to give the testimony, deposition, or certificate of which falsehood is alleged. It is sufficient that he did give such testimony or make such deposition or certificate.

SECTION 120.—It is no defense to a prosecution for perjury that the accused did not know the materiality of the false statement made by him; or that it did not, in fact, affect the proceeding in, or for which it was made. It is sufficient that it was material, and might have been used to affect such proceeding.

SECTION 121.—The making of a deposition or certificate is deemed to be complete, within the provisions of this Chapter, from the time it is delivered by the accused to any other person, with the intent that it be uttered or published as true.

SECTION 122.—An unqualified statement of that which one does not know to be true is equivalent to a statement of that which one knows to be false.

SECTION 123.—Perjury is punishable by imprisonment in the penitentiary not less than one nor more than ten years.

SECTION 124.—Every person who wilfully procures another person to commit perjury is guilty of subornation of perjury, and is punishable in the same manner as he would be if personally guilty of the perjury so procured.

SECTION 125.—Every person who, by wilful perjury, or subornation of perjury, procures the conviction and

punishment of any innocent person, is punishable by the same penalty that was inflicted upon such innocent person, *Provided*, that in no case shall the punishment be less than one year.

CHAPTER IV.

FALSIFYING EVIDENCE

SECTION 126.—Every person who, upon any trial, proceeding, inquiry, or investigation whatever, authorized or permitted by law, offers in evidence, as genuine or true, any book, paper, document, record, or other instrument in writing, knowing the same to have been forged, or fraudulently altered or antedated, is guilty of felony.

SECTION 127.—Every person who practices any fraud or deceit, or knowingly makes or exhibits any false statement, representation, token, or writing, to any witness, or person about to be called as a witness upon any trial, proceeding, inquiry, or investigation whatever, authorized by law, with intent to affect the testimony of such witness, is guilty of a misdemeanor.

SECTION 128.—Every person guilty of preparing any false or antedated book, paper, record, instrument in writing, or other matter or thing, with intent to produce it, or allow it to be produced for any fraudulent or deceitful purpose, as genuine or true, upon any trial, proceeding, or inquiry whatever, authorized by law, is guilty of felony.

SECTION 129.—Every person who, knowing that any book, paper, record, instrument in writing, or other matter or thing, is about to be produced in evidence upon any trial, inquiry, or investigation whatever, authorized by law, wilfully destroys or conceals the

same, with intent thereby to prevent it from being produced, is guilty of a misdemeanor.

SECTION 130.—Every person who wilfully prevents or dissuades any person who is or may become a witness, from attending upon any trial, proceeding, or inquiry, authorized by law, is guilty of a misdemeanor.

SECTION 131.—Every person who gives, offers, or promises to give to any witness, or person about to be called as a witness, any bribe, upon any understanding or agreement that the testimony of such witness shall be thereby influenced, or who attempts by any other means fraudulently to induce any person to give false or withhold true testimony, is guilty of a felony.

SECTION 132.—Every person who is a witness, or is about to be called as such, who receives or offers to receive, any bribe, upon any understanding that his testimony shall be influenced thereby, or that he will absent himself from the trial or proceeding upon which his testimony is required, is guilty of a felony.

CHAPTER V.

OTHER OFFENSES AGAINST PUBLIC JUSTICE

SECTION 133.—Every marshal, warden, jailer, policeman, or other peace officer who wilfully refuses to receive or arrest any person charged with a criminal offense, is punishable by a fine not exceeding five thousand (5,000) dollars and imprisonment in jail not exceeding three years.

SECCIÓN 134.—Every public officer or other person having arrested any person upon a criminal charge, who wilfully delays to take such person before a justice of the peace or other officer having jurisdiction, to take his examination, is guilty of a misdemeanor.

SECTION 135.—Every public officer, or person pretending to be a public officer, who, under the pretense or color of any process or other legal authority, arrests any person or detains him against his will, or seizes or levies upon any property or dispossesses any one of any lands or property without a regular process or other lawful authority therefor, is guilty of a misdemeanor.

SECTION 136.—Every officer who is guilty of wilful inhumanity or oppression toward any prisoner under his care or in his custody, is punishable by fine not exceeding two thousand dollars, and by removal from office.

SECTION 137.—Every person who wilfully resists, delays, or obstructs any public officer, in the discharge or attempt to discharge any duty of his office, when no other punishment is prescribed, is punishable by fine not exceeding five thousand (5,000) dollars, and imprisonment in jail not exceeding one year.

SECTION 138.—Every public officer who, under color of authority, without lawful necessity, assaults, wrongs, oppresses or beats any person, is punishable by fine not exceeding five thousand (5,000) dollars, and imprisonment in the jail not exceeding five years.

SECTION 139.—Every male person above eighteen years of age, who neglects or refuses to aid and assist in taking or arresting any person against whom there may be issued any process, or by neglecting to aid and assist in retaking any person who, after being arrested or confined, may have escaped from such arrest or imprisonment, or by neglecting or refusing to aid and assist in preventing any breach of the peace, or the commission of any criminal offense, being thereto lawfully required by any marshal, policeman, or other officer concerned in the administration of justice, is punish-

able by fine of not less than fifty (50) nor more than one thousand (1,000) dollars.

SECTION 140.—Every person who, having knowledge of the actual commission of a crime, takes money or property of another, or any gratuity or reward, or any engagement or promise thereof, upon any agreement or understanding to compound or conceal such crime or to abstain from any prosecution thereof, or to withhold any evidence thereof, except in the cases provided for by law in which crimes may be compromised by leave of court, is punishable as follows:

1.—By imprisonment in the penitentiary not exceeding five years, or in jail not exceeding one year, where the crime was punishable by death.

2.—By imprisonment in the penitentiary not exceeding three years, or in jail not exceeding six months, where the crime was a felony punishable by imprisonment in the penitentiary.

3.—By imprisonment in jail not exceeding six months, or by fine not exceeding five hundred (500) dollars, where the crime was a misdemeanor.

SECTION 141.—Every debtor who fraudulently removes his property or effects beyond the jurisdiction of the courts, or fraudulently sells, conveys, assigns, or conceals his property, with intent to defraud, hinder, or delay his creditors of their rights, claims or demands, is punishable by imprisonment in jail not exceeding one year, or by fine not exceeding five thousand (5,000) dollars, or by both.

SECTION 142.—Every person against whom an action is pending or against whom a judgment has been rendered for the recovery of any personal property, who fraudulently conceals, sells, or disposes of such property with intent to hinder, delay, or defraud the person

bringing such action or recovering such judgment, or with such intent removes such property beyond the jurisdiction of the courts in which it may be at the time of the commencement of such action or the rendering of such judgment, is punishable as provided in the preceding section.

SECTION 143.—Every person who fraudulently produces an infant, falsely pretending it to have been born of any parent whose child would be entitled to inherit, with intent to intercept the inheritance, is punishable by imprisonment in the penitentiary not exceeding ten years.

SECTION 144.—Every person to whom an infant has been confided for nursing, education, or any other purpose, who, with intent to deceive any parent or guardian of such child, substitutes or produces to such parent or guardian another child in the place of the one so confided, is punishable by imprisonment in the penitentiary not exceeding seven years.

SECTION 145.—Every person guilty of any contempt of court of either of the following kinds, is guilty of misdemeanor:

- 1.—Disorderly, contemptuous, or insolent behavior committed during the sitting of any court of justice, in immediate view and presence of the court, and directly tending to interrupt its proceeding or to impair the respect due to its authority.

- 2.—Behavior of the like character committed in the presence of any referee, while actually engaged in any trial or hearing, pursuant to the order of any court, or in the presence of any jury while actually sitting for the trial of a cause, or upon any inquest or other proceedings authorized by law.

- 3.—Any breach of the peace, noise, or other distur-

bance directly tending to interrupt the proceedings of any court.

4.—Wilful disobedience of any process or order lawfully issued by any court.

5.—Resistance wilfully offered by any person to the lawful order or process of any court.

6.—The disobedient and unlawful refusal of any person to be sworn a witness; or, when so sworn, the like refusal to answer any material question.

7.—The publication of a false or grossly inaccurate report of the proceedings of any court.

8.—Presenting to any court having power to pass sentence upon any prisoner under conviction or to any member of such court, any affidavit, or testimony, or representation of any kind, verbal or written, in aggravation or mitigation of the punishment to be imposed upon such prisoner, except as provided in this Code.

An act which, besides being a contempt may also be a crime, is punishable both as a contempt and a crime.

SECTION 146.—Every public officer authorized by law to make or give any certificate or other writing, who makes and delivers as true any such certificate or writing, containing statements which he knows to be false, is guilty of a misdemeanor.

SECTION 147.—Every prosecuting attorney, clerk, judge, or other officer who, except by issuing or in executing a warrant of arrest, wilfully discloses the facts of a presentment or information having been made for a felony, until the defendant has been arrested, is guilty of a misdemeanor.

SECTION 148.—Every person who maliciously and without probable cause procures a search warrant or

warrant of arrest to be issued and executed, is guilty of a misdemeanor.

SECTION 149.—Every captain, master of a vessel, or other person, who wilfully imports, brings, or sends, or causes or procures to be brought or sent into Porto Rico, any person who is a foreign convict of any crime which, if committed within Porto Rico, would be punishable, or who is delivered or sent to him from any prison or place of confinement in any place without Porto Rico, is guilty of a misdemeanor, and every person so landing shall also be guilty of a misdemeanor.

SECTION 150.—Every person who rescues or attempts to rescue, or aids another person in rescuing or attempting to rescue, any prisoner from the penitentiary or any jail or from any officer or person having him in lawful custody, is punishable as follows:

1.—If such prisoner was in custody upon a conviction of felony punishable by death; by imprisonment in the penitentiary not less than one nor more than fourteen years;

2.—If such prisoner was in custody upon a conviction of any other felony; by imprisonment in the penitentiary not less than six months, nor more than five years;

3.—If such prisoner was in custody upon a charge of felony; by a fine not exceeding one thousand dollars, and imprisonment in jail not exceeding two years;

4.—If such prisoner was in custody otherwise than upon a conviction of felony; by fine not exceeding five hundred dollars and imprisonment in jail not exceeding six months.

SECTION 151.—Every person who wilfully injures or destroys, or takes or attempts to take, or assists any person in taking or attempting to take, from the custody

of any officer or person any personal property which such officer or person has in charge under any process of law, is guilty of a misdemeanor.

SECTION 152.—Every person who shall escape from prison while serving his sentence shall be punishable by summary order of the competent court, by imprisonment for an additional term of not less than one-twentieth or more than one-fifth of the term of the original sentence.

SECTION 153.—Every keeper of a jail or penitentiary, assistants, jailer, or person employed as a guard or otherwise, who fraudulently contrives, procures, aids, connives at, or voluntarily permits the escape of any prisoner in custody, is punishable by imprisonment in the penitentiary not exceeding ten years and a fine not exceeding five thousand (5,000) dollars.

SECTION 154.—Every person who wilfully assists any prisoner confined in any jail or penitentiary, or in the lawful custody of any officer or person, to escape, or in an attempt to escape from such penitentiary or custody, is punishable as provide in section 153 of this Code.

SECTION 155.—Every person who carries or sends into a jail or penitentiary anything useful to aid a prisoner in making his escape, with intent thereby to facilitate the escape of any prisoner confined therein, is punishable as provided in section 153 of this Code.

SECTION 156.—Every officer or person to whom a writ of habeas corpus may be directed, who, after service thereof, neglects or refuses to obey the command thereof, is guilty of a misdemeanor.

SECTION 157.—Every person who, either solely or as member of a court, knowingly and unlawfully commits, imprisons, or restrains of his liberty, for the same

cause, any person who has been discharged upon a writ of habeas corpus, is guilty of a misdemeanor.

SECTION 158.—Every person having in his custody, or under his restraint or power, any person for whose relief a writ of habeas corpus has been issued, who, with intent to elude the service of such writ, or to avoid the effect thereof, transfers such person to the custody of another, or places him under the power or control of another, or conceals or changes the place of his confinement or restraint, or removes him without the jurisdiction of the court or judge issuing the writ, is guilty of a misdemeanor.

SECTION 159.—Every person who has been removed from any lands by process of law, or who has removed from any lands pursuant to the lawful adjudication, or direction of any court, tribunal, or officer, and who afterwards unlawfully returns to settle, reside upon, or take possession of such lands, is guilty of misdemeanor.

TITLE XI.

OF CRIMES AGAINST THE ELECTIVE FRANCHISE.

SECTION 160.—Any person who acts as an election officer at any election without first having been appointed and qualified as such, and any person who, not being an election officer, performs or discharges any of the duties of an election officer in regard to registration or the handling or counting or canvassing of any ballots cast at any election, shall be guilty of a felony and on conviction thereof be punished by confinement in the penitentiary for not less than two nor more than six years.

SECTION 161.—Every person charged with the performance of any duty under the provision of any law of

Porto Rico, relating to elections, who wilfully neglects or refuses to perform it, or who in his official capacity knowingly and fraudulently acts in contravention or violation of any provision of such laws, is guilty of a felony, and unless a different punishment for such acts or omission is prescribed by this Code, is punishable by a fine not exceeding one thousand dollars or by imprisonment in the penitentiary for not less than one nor more than five years, or both fine and imprisonment.

SECTION 162.—Every person who wilfully causes, procures, or allows himself to be registered in the registry of voters in any municipality of Porto Rico knowing himself not to be entitled to such registration; or any person who shall register in the name of another person or under a false name, or shall present the tax certificate of another person for use in any such false registration, is guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment for a term not exceeding one year or by both fine and imprisonment in the discretion of the court. In all cases where, on the trial of a person charged with any offense under the provisions of this section, it appears in evidence that the accused stands registered in the registry of voter in any municipality without being qualified for such registration, the court must order such registration cancelled.

SECTION 163.—Every person who shall wilfully disobey a summons to appear and testify or produce any evidence before any board of registry, precinct or district board of election, or before the insular election board or supervisor of elections, in accordance with law, shall be guilty of a misdemeanor, and upon conviction shall be punishable by a fine of not more than

two hundred dollars or imprisonment for a period not longer than two years, or by both such fine and imprisonment.

SECTION 164.—Every person not entitled to vote who fraudulently attempts to vote, or who, being entitled to vote, attempts to vote more than once at any election, is guilty of a misdemeanor.

SECTION 165.—Every person who procures, aids, assists, counsels or advises another to give or offer his vote at any election, knowing that the person is not qualified to vote, is guilty of a misdemeanor.

SECTION 166.—Every person who being a candidate at any election, offers or agrees to appoint or procure the appointment of any particular person to office as an inducement or consideration to any person to vote for or procure or aid in procuring the election of such candidate, is guilty of a misdemeanor.

SECTION 167.—Every person not being a candidate who communicates any offer made in violation of the preceding section to any person with intent to induce him to vote for or to procure or aid in procuring the election of any candidate making such offer, is guilty of a misdemeanor.

SECTION 168.—Every person who gives or offers a bribe to any officer or member of any political caucus or any political gathering of any kind for the purpose of nominating candidates for any office of honor, trust or profit, with intent to influence the person to whom such property is given or offered, to be more favorable to one candidate than another, and every person, member, or officer mentioned in this section who receives or offers to receive any such property is guilty of a felony and upon conviction thereof is punishable by imprison-

ment in the penitentiary for not less than one nor more than ten years.

SECTION 169.—Every person who by threats, intimidation, or unlawful violence, wilfully hinders or prevents electors to assemble in public meeting for the consideration of public questions, is guilty of a misdemeanor.

SECTION 170.—Any person who shall bet or wager any money or other valuable property or offer to bet or wager any money or other valuable property, on the result of any election, is guilty of a misdemeanor, and upon conviction shall forfeit and pay to the insular treasury, for the benefit of the common school fund, any sum not less than the amount so bet or wagered nor more than twice the said amount, and in default of payment of said fine shall be imprisoned in jail not more than six months.

SECTION 171.—If any person shall unlawfully take or remove in any manner from any place where they shall lawfully be kept, any ballots, stamps or pads, or be found in possession of such ballots, stamps or pads, or if any lawful custodian or official shall consent to or permit any of such ballots, stamps or pads to be unlawfully removed or carried away from the place from where they shall lawfully be kept, such person, custodian or official shall be deemed guilty of a felony, and upon conviction shall be imprisoned in the penitentiary for not less than two nor more than ten years, and be disfranchised for any determinate period not less than ten years.

SECTION 172.—Any judge or officer of election who compels any qualified voter to prepare his ballot so as not to be shielded from observation while preparing his said ballot, shall be guilty of a misdemeanor, and upon

conviction thereof, shall be fined for each offense not less than five dollars nor more than one hundred dollars, to which may be added imprisonment in jail not exceeding ninety days.

SECTION 173.—Any person who shall remove or attempt to remove a ballot or stamp from any voting room or who shall have in his possession outside the voting room any official ballot or stamp, during the election, or who shall attempt to vote a ballot other than the official ballot, shall be guilty of a felony, and upon conviction thereof shall be imprisoned in the penitentiary for not less than two nor more than five years, and be disfranchised for a period not less than ten years.

SECTION 174.—If any judge, poll clerk or other person entrusted with the custody or control of any ballot or ballots, either before or after they have been voted, shall in any way mark, mutilate or deface any ballot or place any distinguishing mark thereon, either for the purpose of identifying the same (except by numbering protested ballots for future reference) or for the purpose of vitiating the same, he shall be guilty of a felony, and on conviction shall be imprisoned in the penitentiary not more than five nor less than two years, and fined in any sum not exceeding two thousand dollars.

SECTION 175.—No officer of election shall disclose to any person the name of any candidate for whom any elector has voted. No officer shall do any electioneering on election day. No person whatever shall do any electioneering on election day within any polling place or within one hundred feet of any polling place. No person shall show his ballot, after it is marked, to any person in such a way as to reveal the contents

thereof or the name of any candidate or candidates for whom he has marked his ballot; nor shall any person examine a ballot which any person has presented for voting, or solicit the elector to show the same. No person except a judge of election shall receive from any voter a ballot prepared by him for voting. No voter shall receive a ballot from any person other than one of the judges.

No voter shall place any mark upon his ballot, or suffer or permit any other person to do so, by which it may afterwards be identified as the one voted by him. Whoever shall violate any provision of this section shall be deemed guilty of a felony and on conviction shall be punished by imprisonment for not less than six months nor more than one year, and by a fine of not less than two hundred dollars nor more than five hundred dollars, and be disfranchised for any determinate period not less than five years.

SECTION 176.—Whoever, being a candidate for any office, loans, or gives, directly or indirectly, or offers or promises to loan or give any money or other thing of value to any elector for the purpose of influencing or retaining the vote of such elector, or to induce such elector to work or labor for the election of such candidate, or to refrain from working or laboring for the election of any other candidate, or to any person to secure or to retain the influence or vote of such elector in his behalf as such candidate, or to be used by such person in any way to influence the vote or any elector, or of electors generally, for himself or any candidate or ticket and whoever hires or otherwise employs for consideration any person to work at polls on election day for the election of any candidate to be voted for at such election, shall be guilty of a felony, and upon con-

viction thereof shall be fined not less than one thousand nor more than three thousand dollars, and shall be disfranchised and rendered incapable of holding any office of profit or trust within Porto Rico for any determinate period, and a violation of any provision of this section by any person elected to such office shall render his election void, and if he has taken the office, a conviction shall operate as a vacation of the same.

SECTION 177.—Any person who shall give or offer to give, directly or indirectly, any money, property or other thing of value to any elector to influence his vote or to induce him to vote or not to vote at any election for public office held in Porto Rico pursuant to law; or who shall at any such election solicit, furnish or receive any money or other means for such purpose, or who shall aid, advise, counsel or suggest to any person or to persons generally to use or procure any money or other means to be used for such purpose, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars and not more than one hundred dollars, and imprisonment in jail not less than ten days nor more than six months, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period not less than ten years, or imprisoned in the penitentiary not less than one year nor more than five years, and disfranchised and rendered incapable of holding any office of profit or trust for the period aforesaid.

SECTION 178.—Any member of the insular police force or of any municipal police force or any other person who shall, contrary to law, interfere with any elector in voting, going to or returning from the polls, or who shall intimidate or attempt to intimidate any elec-

tor in the exercise of his voting privileges, or who shall unlawfully influence or attempt to influence the action of any member of the district or precinct board or election, board of registry, or any clerk or election official whatsoever, shall upon conviction be punished by a fine of not more than five hundred dollars or imprisonment in the penitentiary for a period of not longer than five years or by both such fine and imprisonment.

SECTION 179.—Any member of the insular or municipal police force on duty in any election precinct, who shall not obey when lawfully summoned by an election official of the precinct for the purpose of suppressing disorder or protecting electors, election officials or election materials, as provided by law, shall be guilty of a misdemeanor.

SECTION 180.—Any person who shall keep open any saloon, shop, house, apartment, store, booth or tent for the purpose of selling, bartering or giving away spiritous, vinous, malt or other intoxicating liquors from midnight of the day preceding an election until midnight of the day on which an election is held, shall, upon conviction, be punished by a fine of not less than ten dollars nor more than five hundred dollars, and imprisonment for not less than thirty nor more than ninety days.

SECTION 181.—Whoever shall wilfully and knowingly make a false affidavit under the election laws shall be guilty of perjury and punished accordingly.

SECTION 182.—Any person not duly authorized by law who shall, during the progress of, or after any election, or after the closing of the polls and before the ballots are counted and results ascertained, or within six months thereafter, break open or violate the seals or locks of any ballot-box, paper envelope, or bag in

which the ballots have been deposited at or after such election, or who shall obtain possession of such ballot-box, paper envelope or bag containing such ballot, and cancel, withhold or destroy the same, or who shall fraudulently make any erasure or alteration of any kind upon any tally sheet, poll book, list of voters, or election return deposited therein, shall be guilty of a felony, and upon conviction thereof shall be confined in the penitentiary for not less than two nor more than ten years, and be fined not less than five hundred nor more than one thousand dollars, and disfranchised and rendered incapable of holding any office of profit or trust in Porto Rico for any determinate period, not less than ten years.

SECTION 183.—Whoever, being a supervisor, member of a district board of election, judge of election, or clerk of election, shall take out of the ballot box any ballot legally deposited therein for the purpose of destroying the same, or substituting another in its place, or shall, after the same has been legally taken out, intentionally destroy or his place the same with the intent to prevent the same from being counted at such election; or shall knowingly enter upon the poll books the name of any person who has not legally voted at such election or shall intentionally tally any vote to any candidate not voted for by such ballot or permit any one of these acts to be done, shall be guilty of a felony, and upon conviction thereof shall be confined in the penitentiary for not less than one nor more than five years, and be fined not less than fifty nor more than one thousand dollars, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period not exceeding ten years.

SECTION 184.—Whoever, being a judge of any elec-

tion held in Porto Rico, knowingly and wilfully or corruptly refuses or neglects to receive the vote of any legal voter at any election for public office held in Porto Rico, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than five hundred dollars, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period not exceeding ten years.

SECTION 185.—Whoever, being a judge, or clerk of an election, attempts to induce, by persuasion, menace or reward, or promise thereof, any elector to vote for any person shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten nor more than one hundred dollars, or imprisonment for not less than ten days nor more than six months, or by both such fine and imprisonment.

SECTION 186.—Whoever, being a judge, clerk or other officer of any election, opens or marks by folding or otherwise, any ticket presented by any such elector at such election, or attempts to find out the name thereon, or suffers the same to be done by any other person, before such ticket is deposited in the ballot-box, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten nor more than one hundred dollars, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period not exceeding ten years.

SECTION 187.—Whoever fraudulently causes or attempts to cause any elector at any election held pursuant to law in Porto Rico, to vote for a person different from the one he intends to vote for shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten nor more than

one hundred dollars, or by imprisonment for not less than ten days nor more than six months, or by both such fine and imprisonment.

SECTION 188.—Whoever, for the purpose of influencing a voter, seeks by violence or threats of violence to enforce the payment of a debt; or who seeks to eject or threatens to eject an elector or his family from any house he may occupy; or begins or threatens to begin a criminal prosecution; or who attempts or threatens to injure the business or trade of any elector; or, if an employer of laborers or any agent of such employer threatens to withhold the wages of, or to dismiss from service any laborer in his employment, or refuses to allow to any such employee time to attend at the place of election and vote, shall be fined not more than one thousand dollars, nor less than twenty dollars, or imprisoned in the penitentiary not more than five years nor less than one year, and disfranchised and rendered incapable of holding any office of trust or profit for any period not exceeding ten years.

SECTION 189.—Whoever, at any election, unlawfully, either by force, fraud, or other improper means, obtains or attempts to obtain possession of any ballot-box or any ballots therein deposited, while the voting of such election is going on, or before the ballots are duly taken out of such ballot-box and counted by the election judges according to law, shall be guilty of a felony, and upon conviction thereof shall be imprisoned in the penitentiary not less than one nor more than five years, and shall be fined not less than fifty nor more than one thousand dollars, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period not exceeding ten years.

SECTION 190.—Whoever unlawfully destroys or at-

tempts to destroy any ballot-box used, or any ballot or vote deposited, or any poll-book kept at any election, shall be guilty of a felony, and upon conviction thereof shall be confined in the penitentiary for not less than one year nor more than five years, and be fined not less than fifty nor more than one thousand dollars, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period, not exceeding ten years.

SECTION 191.—If any person shall mutilate, or tear down, or deface, or destroy, any registration list made out or posted as required by law, he shall be guilty of a felony, and upon conviction thereof shall be imprisoned in the penitentiary for not less than one nor more than six years; or be fined in any sum not less than five hundred nor more than one thousand dollars, or by both such fine and imprisonment.

SECTION 192.—If any person shall interfere with or impede the members of the Board of Registration in any way in the performance of their duties, such person shall be deemed guilty of a felony, and upon conviction thereof shall be imprisoned in the penitentiary for not less than one nor more than five years.

SECTION 193.—Any mayor who shall fail or refuse to furnish any lists or records which may be in his possession, after demand has been made by the Registry Board for the same, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred nor more than two hundred dollars, and may be suspended from his office by the Governor for such period as he may deem proper.

SECTION 194.—No person shall transfer any property of any character to another for the purpose of enabling any one to be registered as an elector. Any person who

violates the provisions hereof shall be deemed guilty of a felony and shall be punished by imprisonment in the penitentiary for a period of not less than one nor more than three years.

SECTION 195.—No person shall receive or accept property of any kind from another for the purpose of being able to register or vote, and any person who violates the provisions hereof, shall be deemed guilty of a felony and shall be punished by imprisonment in the penitentiary for not less than one nor more than three years.

SECTION 196.—Any person or committee acting for or on behalf of a candidate, political party or principle at any nomination or election, who shall pay or incur any expenses prohibited by law to be paid, or incurred for or on behalf of such candidate, political party or principle, shall, upon conviction, be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment for a period not less than one nor more than five years, or by both such fine and imprisonment.

SECTION 197.—Any person who shall wilfully and knowingly file or sign a false statement of election expenses or receipts, or any person who shall refuse or neglect to correct an incomplete or incorrect statement of such expenses or receipts, when lawfully required to make such statement by the proper authority, shall be guilty of a felony, and shall, upon conviction, be fined not less than two hundred dollars nor more than one thousand dollars, and be imprisoned for a period of not less than two years nor more than five years.

SECTION 198.—Every person who shall wilfully violate any of the provisions of the laws relating to elections, shall be guilty of a felony and, unless a different

punishment for such violation is prescribed by this Code, shall be punishable by imprisonment in the penitentiary for not less than one year nor more than five years, or by a fine of not less than one hundred dollars nor more than one thousand dollars, or by both such fine and imprisonment.

TITLE XII.

OF CRIMES AGAINST THE PERSON.

CHAPTER I.

HOMICIDE.

SECTION 199.—Murder is the unlawful killing of a human being, with malice aforethought.

SECTION 200.—Such malice may be express or implied. It is express when is manifested a deliberate intention unlawfully to take away the life of a fellow-creature. It is implied when no considerable provocation appears, or when the circumstances attending the killing show an abandoned and malignant heart.

SECTION 201.—All murder which is perpetrated by means of poison, lying in wait, torture, or by any other kind of wilful, deliberate, and premeditated killing, or which is committed in the perpetration or attempt to perpetrate arson, rape, robbery, burglary or mayhem is murder of the first degree, and all or other kinds of murders are of the second degree.

SECTION 202.—Every person guilty of murder in the first degree shall suffer death, or if there be extenuating circumstances, confinement in the penitentiary for life; or upon a plea of guilty, the court shall determine the same; and every person guilty of murder in the second degree, is punishable by imprisonment in the penitentiary not less than ten years.

Whenever, in a proper case, the judgment of the court directs the death of the defendant, the punishment is inflicted.

SECTION 203.—Manslaughter is the unlawful killing of a human being without malice. It is of two kinds:

1.—Voluntary—upon a sudden quarrel or heat of passion.

2.—Involuntary—in the commission of an unlawful act, not amounting to felony; or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection.

SECTION 204.—Manslaughter is punishable by imprisonment in the penitentiary not exceeding ten years.

SECTION 205.—To make the killing either murder or manslaughter, it is requisite that the party die within a year and a day after the stroke received or the cause of death administered; in the computation of which the whole of the day on which the act was done shall be reckoned the first.

SECTION 206.—No person can be convicted of murder or manslaughter unless the death of the person alleged to have been killed, and the fact of the killing by the defendant as alleged, are established as independent acts; the former by direct proof and the latter beyond a reasonable doubt.

SECTION 207.—Homicide is excusable in the following cases:

1.—When committed by accident and misfortune, in lawfully correcting a child or servant, or in doing any other lawful act by lawful means, with usual and ordinary caution, and without any unlawful intent.

2.—When committed by accident and misfortune, in the heat of passion, upon any sudden and sufficient

provocation, or upon a sudden combat, when no undue advantage is taken, nor any dangerous weapon used, and when the killing is not done in a cruel or unusual manner.

SECTION 208.—Homicide is justifiable when committed by public officers, and those acting by their command in their aid and assistance, either:

1.—In obedience to any judgment of a competent court; or,

2.—When necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge or any other legal duty; or,

3.—When necessarily committed in retaking felons who have been rescued or have escaped, or when necessarily committed in arresting persons charged with felony, and who are fleeing from justice or resisting such arrest.

SECTION 209.—Homicide is also justifiable when committed by any person in any of the following cases:

1.—When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person; or,

2.—When committed in defense of habitation, property, or person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony, or against one who manifestly intends and endeavors, in a violent, riotous or tumultuous manner, to enter the habitation of another for the purpose of offering violence to any person therein; or,

3.—When committed in the lawful defense of such person, or of a wife or husband, parent, child, master, mistress, or servant of such person, when there is reasonable ground to apprehend a design to commit a felony, or to do some great bodily injury, and imminent

danger of such design being accomplished; but such person, or the person in whose behalf the defense was made, if he was the assailant or engaged in mortal combat, must really and in good faith have endeavored to decline any further struggle before the homicide was committed; or,

4.—When necessarily committed in attempting by lawful ways and means to apprehend any person for any felony committed or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

SECTION 210.—A bare fear of the commission of any of the offenses mentioned in subdivisions two and three of the preceding section, to prevent which homicide may be lawfully committed, is not sufficient to justify it. But the circumstances must be sufficient to excite the fears of a reasonable person, and the party killing must have acted under the influence of such fears alone.

SECTION 211.—The homicide appearing to be justifiable or excusable, the person charged must, upon his trial, be fully acquitted and discharged.

CHAPTER II.

MAYHEM. (MAYHEM).

SECTION 212.—Every person who unlawfully and maliciously deprives a human being of a member of his body, or disables, disfigures, or renders it useless, or cuts or disables the tongue, or puts out an eye, or slits the nose, ear or lip, is guilty of mayhem.

SECTION 213.—Mayhem is punishable by imprisonment in the penitentiary not exceeding fifteen years.

CHAPTER III.

KIDNAPPING AND CHILD STEALING.

SECTION 214.—Every person who forcibly steals, takes or arrests any person in Porto Rico and carries him into another country, State or Territory of the United States, or who forcibly takes or arrests any person with a design to take him out of Porto Rico without having established a claim, according to the laws of Porto Rico, or of the United States applicable in Porto Rico, or who hires, persuades, entices, decoys or seduces by false promises, misrepresentations, or the like, any person to go out of Porto Rico, or to be taken or removed therefrom for the purpose and with the intent to sell such person into slavery or involuntary servitude, or otherwise to employ him for his own use, or to the use of another, without the free will and consent of such persuaded person or to unlawfully deprive such person of his liberty, is guilty of kidnapping.

SECTION 215.—Kidnapping is punishable by imprisonment in the penitentiary not less than one nor more than ten years.

SECTION 216.—Every person who maliciously, forcibly or fraudulently takes or entices away any child under the age of twelve years, with intent to detain and conceal such child from its parent, guardian or other person having the lawful charge of such child, is punishable by imprisonment in the penitentiary not exceeding ten years or by imprisonment in jail not exceeding one year and a fine not exceeding five hundred dollars.

CHAPTER IV.

ATTEMPTS TO KILL.

SECTION 217.—Every person who with intent to kill, administers, or causes or procures to be administered to another, any poison or other noxious or destructive substance or liquid, but by which death is not caused, is punishable by imprisonment in the penitentiary not less than ten years.

SECTION 218.—Every person who assaults another with intent to commit murder, is punishable by imprisonment in the penitentiary not less than one nor more than fifteen years.

SECTION 219.—Every person who shall unlawfully throw out a switch, remove a rail, or place any obstruction on any railroad, tramway or electric railway, with the intent of derailing any passenger, freight or other car, or who shall unlawfully board any passenger train with intent of robbing the same, or who shall unlawfully place any dynamite or any other explosive material or any obstruction on the track of any railroad tramway or electric railway, with the intent of blowing up or derailing any passenger, freight or other car, or who shall unlawfully set fire to any railroad, tramway or electric railway, bridge or trestle, over which any passenger, freight or other car must pass, with intent of wrecking said car, upon conviction thereof shall be adjudged guilty of felony and shall be punishable by death or imprisonment in the penitentiary for not less than twenty years.

SECTION 220.—Every physician who, in a state of intoxication, does any act as such physician to another person by which the life of such other person is endangered, is guilty of a misdemeanor.

SECTION 221.—Every person who wilfully mingles any poison with any food, drink, or medicine, with intent that the same shall be taken by any human being, to his injury, and every person who wilfully poisons any spring, well, or reservoir of water, is punishable by imprisonment in the penitentiary for a term not less than one nor more than ten years.

CHAPTER V.

ASSAULTS WITH INTENT TO COMMIT FELONY, OTHER THAN ASSAULTS WITH INTENT TO MURDER.

SECTION 222.—Every person who assaults another with intent to commit rape, the infamous crime against nature, mayhem, robbery, or grand larceny, is punishable by imprisonment in the penitentiary not less than one nor more than fourteen years.

SECTION 223.—Every person who is guilty of an assault, with intent to commit any felony, except an assault with intent to commit murder, the punishment for which assault is not prescribed by the preceding section, is punishable by imprisonment in the penitentiary not exceeding one year, or by fine not exceeding five hundred dollars, or by both.

SECTION 224.—Every person guilty of administering to another any chloroform, ether, laudanum, or other narcotic, anaesthetic, or intoxicating agent, with intent thereby to enable or assist himself or any other person to commit a felony, is guilty of felony.

CHAPTER VI.

DUELS AND CHALLENGES.

SECTION 225.—A duel is any combat with deadly weapons, fought between two or more persons by previous agreement or upon a previous quarrel.

SECTION 226.—Every person guilty of fighting any duel, from which death ensues within a year and a day, is punishable by imprisonment in the penitentiary not less than one nor more than seven years.

SECTION 227.—Every person who fights a duel, or who sends or accepts a challenge to fight a duel, is punishable by imprisonment in the penitentiary or in jail not exceeding one year.

SECTION 228.—Every person who posts or publishes another for not fighting a duel, or for not sending or accepting a challenge to fight a duel, or who uses any reproachful or contemptuous language, verbal, written or printed, to or concerning another, for not sending or accepting a challenge to fight a duel, or with intent to provoke a duel, is guilty of a misdemeanor.

SECTION 229.—Every judge or other officer bound to preserve the public peace, who has knowledge of the intention on the part of any persons to fight a duel, and who does not exert his official authority to arrest the party and prevent the duel, is punishable by fine not exceeding one thousand dollars.

SECTION 230.—Every person who leaves Porto Rico with intent to evade any of the provisions of this Chapter, and to commit any act beyond the jurisdiction of the courts, such as is prohibited by this Chapter, and who does any act, although out of Porto Rico, which would be punishable by such provisions if committed within Porto Rico, is punishable in the same manner as he would have been in case such act had been committed within Porto Rico.

SECTION 231.—No person shall be excused from testifying or answering any question upon any investigation or trial for a violation of either of the provisions

of this Chapter, upon the ground that his testimony might tend to convict him of a crime. But no evidence given upon any examination of a person so testifying shall be received against him in any criminal prosecution or proceeding.

CHAPTER VII.

ASSAULT AND BATTERY.

SECTION 232.—An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another.

SECTION 233.—An assault is punishable by fine not exceeding five hundred dollars, or by imprisonment in jail not exceeding three months.

SECTION 234.—A battery is any wilful and unlawful use of force or violence upon the person of another.

SECTION 235.—A battery is punishable by fine of not exceeding one thousand dollars, or by imprisonment in jail not exceeding six months, or by both.

SECTION 236.—Every person who wilfully and maliciously places or throws, or causes to be placed or thrown, upon the person of another, any vitriol, corrosive acid, or caustic chemical of any nature with the intent to injure the flesh or disfigure the body of such person, is punishable by imprisonment in the penitentiary not less than one nor more than fourteen years.

SECTION 237.—Every person who commits an assault upon the person of another with a deadly weapon or instrument, or by any means or force likely to produce great bodily injury, is punishable by imprisonment in the penitentiary not exceeding ten years, or in jail not exceeding two years, or by a fine not exceeding five thousand dollars, or by both.

CHAPTER VIII.

ROBBERY.

SECTION 238.—Robbery is the felonious taking of personal property in the possession of another, from his person or immediate presence and against his will, accomplished by means of force or fear.

SECTION 239.—The fear mentioned in the former section may be either:

1.—The fear of an unlawful injury to the person or property of the person robbed or of any relative of his, or member of his family; or,

2.—The fear of an immediate and unlawful injury to the person or property of anyone in the company of the person robbed at the time of the robbery.

SECTION 240.—Robbery is punishable by imprisonment in the penitentiary not less than one year nor more than twenty years.

CHAPTER IX.

FALSE IMPRISONMENT.

SECTION 241.—False imprisonment is the unlawful restraint of a person's liberty whether in a place made use of for imprisonment generally, or in one used only on the particular occasion, or by words and an array of force, without bolts or bars in any locality whatever.

SECTION 242.—False imprisonment is punishable by fine not exceeding five thousand dollars, or by imprisonment in jail not more than one year, or both.

CHAPTER X.

LIBEL.

SECTION 243.—A libel is a malicious defamation, expressed either by writing, printing or by signs or pictures, or the like, tending to blacken the memory of one who is dead, or to impeach the honesty, integrity, virtue, or reputation, or publish the natural or alleged defects of one who is alive, and thereby to expose him to public hatred, contempt or ridicule.

SECTION 244.—Every person who wilfully and with a malicious intent to injure another, publishes or procures to be published any libel is punishable by fine not exceeding five thousand dollars, or imprisonment in jail not exceeding one year.

SECTION 245.—An injurious publication is presumed to have been malicious if no justifiable motive for making it is shown.

SECTION 246.—In all criminal prosecutions for libel, the truth may be given in evidence to the court or jury, and if it appears to the court or jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted. The jury have the right to determine the law and the fact.

SECTION 247.—To sustain a charge of publishing a libel, it is not needful that the words or things complained of should have been read or seen by another. It is enough that the accused knowingly parted with the immediate custody of the libel, under circumstances which exposed it to be read or seen by any other person than himself.

SECTION 248.—Each author, editor, and proprietor of any book, newspaper, or serial publication, is charge-

able with the publication of any words contained in any part of such book or number of such newspaper or serial.

SECTION 249.—No reporter, editor, or proprietor of any newspaper is liable to any prosecution for a fair and true report of any judicial, legislative or other public official proceedings, or of any statement, speech, argument, or debate in the course of the same, except upon proof of malice in making such report, which shall not be implied from the mere fact of publication.

SECTION 250.—Libelous remarks or comments connected with matter privileged by the preceding section receive no privilege by reason of their being so connected.

SECTION 251.—A communication made to a person interested, in the communication, by one who was also interested or who stood in such relation to the former as to afford a reasonable ground for supposing his motive innocent, is not presumed to be malicious, and is a privileged communication.

SECTION 252.—Every person who threatens another to publish a libel concerning him, or any parent, husband, wife, or child of such person, or member of his family, and every person who offers to prevent the publication of any libel upon another person, with intent to extort any money or other valuable consideration from any person, is guilty of a misdemeanor.

SECTION 253.—It shall be unlawful to publish in any newspaper, handbill, poster, book or serial publication, or supplement thereto, the portrait of any living person a resident of Porto Rico other than that of a person holding a public office in Porto Rico, without the written consent of such person first had and obtained; *Provided*, that it shall be lawful to publish the portrait of

a person convicted of a crime. It shall likewise be unlawful to publish in any newspaper, handbill, poster, book or serial publication or supplement thereto, any caricature of any person residing in Porto Rico, which caricature will in any manner reflect upon the honor, integrity, manhood, virtue, reputation, or business or political motives of the person so caricatured or which tends to expose the individual so caricatured to public hatred, ridicule or contempt.

A violation of this section shall be a misdemeanor and shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in jail for not less than one month nor more than six months, or by both fine and imprisonment.

All persons concerned in said publication, either as owner or manager, editor, or publisher, or engraver, are each liable for said publication. Actions for the violation of this section shall be tried in the district where such newspaper, handbill, poster, book, or serial publication or supplement is printed or has its publication office, or in the district or municipality where the person whose portrait or caricature is published resides at the time of the alleged publication.

SECTION 254—The author of a libel in all cases is equally guilty and is subject to the same punishment as the publisher, owner, or proprietor of the newspaper or other printed publication in which the libelous article appears. The punishment prescribed in Section 244 is applicable to this section.

TITLE XIII.

OF CRIME AGAINST PUBLIC DECENCY AND GOOD MORALS.

CHAPTER I.

RAPE, ABDUCTION, CARNAL ABUSE OF CHILDREN, AND SEDUCTION.

SECTION 255.—Rape is an act of sexual intercourse, accomplished with a female not the wife of the perpetrator, under any of the following circumstances:

1.—Where the female is under the age of fourteen years;

2.—Where she is incapable, through lunacy or other unsoundness of mind, whether temporary or permanent, of giving legal consent;

3.—Where she is prevented from resisting by threats of great and immediate bodily harm, accompanied by apparent power of execution, or by any intoxicating narcotic, or anaesthetic substance, administered by or with the privity of the accused;

4.—Where she resists, but her resistance is overcome by force or violence;

5.—Where she is at the time unconscious of the nature of the act, and this is known to the accused;

6.—Where she submits under the belief that the person committing the act is her husband, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce such belief.

SECTION 256.—No conviction for rape can be had against one who was under the age of fourteen years at the time of the act alleged, unless his physical ability to accomplish penetration is proved as an independent fact, and beyond a reasonable doubt.

SECTION 257.—The essential guilt of rape consists in

the outrage to the person and feelings of the female. Any sexual penetration, however slight, is sufficient to complete the crime.

SECTION 258.—Rape is punishable by imprisonment in the penitentiary not less than five years.

SECTION 259.—Every person who takes any woman unlawfully, against her will, and by force, menace, or duress, compels her to marry him, or to marry any other person, or to be defiled, is punishable by imprisonment in the penitentiary not less than two nor more than fourteen years.

SECTION 260.—Every person who inveigles or entices any unmarried female, of previous chaste character, under the age of twenty-one years, into any house of ill-fame or of assignation, or elsewhere, for the purpose of prostitution, or to have illicit carnal connection with any man; and every person who aids or assists in such inveiglement or enticement; and every person who, by any false pretenses, false representation, or other fraudulent means, procures any female to have illicit carnal connection with any man, is punishable by imprisonment in the penitentiary not exceeding five years, or by imprisonment in jail not exceeding one year or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment.

SECTION 261.—Every person who, under promise of marriage, seduces and has sexual intercourse with an unmarried female of previous chaste character, is punishable by imprisonment in the penitentiary for not more than five years, or by a fine of not more than five thousand dollars, or by both such fine and imprisonment.

SECTION 262.—The intermarriage of the parties

prior to the trial is a bar to a prosecution for a violation of the preceding section.

CHAPTER II.

ABANDONMENT AND NEGLECT OF CHILDREN.

SECTION 263.—Every parent of any child who wilfully omits, without lawful excuse, to perform any duty imposed upon him by law, to furnish necessary food, clothing, shelter, or medical attendance for such child, is guilty of misdemeanor.

SECTION 264.—Every parent of any child under the age of ten years, and every person to whom any such child has been confided for nurture or education, who deserts such child in any place whatever, with intent wholly to abandon it, is punishable by imprisonment in the penitentiary not exceeding seven years, or in jail not exceeding one year.

SECTION 265.—Any person, whether as parent, relative, guardian, employer or otherwise, having in his care, custody, or control any child under the age of twelve years, who shall sell, apprentice, give away, let out, or otherwise dispose of any such child to any person, under any name, title, or pretense, for the vocation, use, occupation, calling, service of begging, or peddling, in any public street or highway, or in any mendicant or wandering business whatsoever, and any person who shall take, receive, hire, employ, use, or have in custody any child for such purposes, or either of them, is guilty of a misdemeanor.

CHAPTER III.

ABORTION.

SECTION 266.—Every person who provides, supplies, or administers to any pregnant woman, or procures

any such woman to take any medicine, drug or substance, or use or employs any instrument or other means whatever, with intent thereby to procure the miscarriage of such woman, unless the same is necessary to preserve her life, is punishable by imprisonment in the penitentiary not less than one nor more than five years.

SECTION 267.—Every woman who solicits of any person any medicine, drug or substance whatever, and takes the same, or who submits to any operation, or to the use of any means whatever, with intent thereby to procure a miscarriage, unless the same is necessary to preserve her life, is punishable by imprisonment in the penitentiary not less than one nor more than five years.

SECTION 268.—Every person who wilfully writes, composes, or publishes any notice or advertisement of any medicine, or means for producing or facilitating a miscarriage or abortion, or for the prevention of conception, or who offers his services by any notice, advertisement, or otherwise, to assist in the accomplishment of any such purpose, is guilty of a felony.

CHAPTER IV.

ADULTERY.

SECTION 269.—Whoever, being married, shall voluntarily have sexual intercourse with a person other than the offender's husband or wife is guilty of adultery, and shall be fined not more than two thousand dollars or be imprisoned in jail not more than five years or less than one year.

SECTION 270.—A prosecution for the crime of adultery shall commence within one year from the time of committing the crime or the time when the same shall come to the knowledge of complainant. When the

crime of adultery is committed between a married woman and an unmarried man, or a married man and an unmarried woman, the unmarried man or the unmarried woman shall be deemed guilty of adultery, and shall be punished accordingly.

CHAPTER V.

BIGAMY, INCEST, AND THE CRIME AGAINST NATURE.

SECTION 271.—Every person having a husband or wife living, who marries any other person, except in the cases specified in the next section, is guilty of bigamy.

SECTION 272.—The preceding section does not extend:

1.—To any person by reason of any former marriage, whose husband or wife by such marriage has (been) absent for five successive years, without being known to such person within that time to be living; nor,

2.—To any person by reason of any former marriage which has been pronounced void, annulled or dissolved by the judgment of a competent court.

SECTION 273.—Bigamy is punishable by fine not exceeding two thousand dollars, and by imprisonment in the penitentiary not exceeding three years.

SECTION 274.—Every person who knowingly and wilfully marries the husband or wife of another, in any case in which such husband or wife would be punishable under the provisions of this Chapter, is punishable by fine not less than two thousand dollars, or by imprisonment in the penitentiary not exceeding three years.

SECTION 275.—Persons being within the degrees of consanguinity within which marriages are declared by law to be void, who intermarry with each other, or who

commit fornication or adultery with each other, are punishable by imprisonment in the penitentiary not exceeding ten years. (1).

SECTION 276.—Every person authorized to solemnize marriage, who wilfully and knowingly solemnizes any marriage forbidden by law, is punishable by fine of not less than one hundred nor more than one thousand dollars, or by imprisonment in jail not less than three months nor more than one year, or by both.

SECTION 277.—Every person authorized to solemnize any marriage, who wilfully makes a false return of any marriage or pretended marriage to the court, or without the authority of law, or who contracts such a marriage or who takes part in the celebration thereof, and every person who wilfully makes a false record of any marriage return; is punishable as provided in the preceding section.

SECTION 278.—Every person who is guilty of the infamous crime against nature, committed with mankind or with any animal, is punishable by imprisonment in the penitentiary not less than five years.

CHAPTER VI.

VIOLATING SEPULTURE AND THE REMAINS OF THE DEAD.

SECTION 279.—Every person who mutilates, disinters, or removes from the place of sepulture the dead body of a human being without authority of law, is guilty of felony. But the provisions of this section do not apply to any person who removes the dead body of a relative or friend for reinterment.

(1) Incestuous marriages. "Marriages between parents and children, ancestors and descendants of every degree, and between brothers and sisters of the half as well as the whole blood, and between uncles and nieces, or aunts and nephews, are incestuous and void from the beginning, whether the relationship is legitimate or illegitimate".

SECTION 280.—Every person who removes any part of the dead body of a human being from any grave or other place where the same has been buried, or from any place where the same is deposited while awaiting burial, with intent to sell the same, or to dissect it, without authority of law, or from malice or wantonness, is punishable by imprisonment in the penitentiary not exceeding five years.

SECTION 281.—Every person who wilfully and maliciously defaces, breaks, destroys, or removes any tomb, monument or gravestone, erected to any deceased person, or any memento or memorial; or any ornamental plant, tree, or shrub, appertaining to the place of burial of a human being, or who shall mark, deface, injure, destroy, or remove any fence, post, rail, or wall of any cemetery or graveyard, is guilty of a misdemeanor.

SECTION 282.—Every person who shall bury or inter, or cause to be buried or interred, the dead body of any human being, or any human remains, in any place within the limits of any city or municipality, except in the cemetery or place of burial, now existing under the laws of Porto Rico, and in which interments have been made, or that is now or may hereafter be established or organized, shall be guilty of misdemeanor.

CHAPTER VII.

INDECENT EXPOSURE, OBSCENE EXHIBITIONS, BOOKS AND PRINTS,
AND BAWDY AND OTHER DISORDERLY HOUSES.

SECTION 283.—Every person wilfully and lewdly, either:

I.—Exposes his person or the private parts thereof in any public place, or in any place where there are present other persons to be offended or annoyed thereby; or,

2.—Procures, counsels, or assists any person so to expose himself, or to take part in any model artist exhibition, or to make any other exhibition of himself to public view or to the view of any number of persons, such as is offensive to decency, or is adapted to excite to lewd or vicious thoughts or acts ; or,

3.—Writes, composes, stereotypes, prints, publishes, sells, distributes, keeps for sale, or exhibits any obscene or indecent writing, paper, or books; or designs, copies, draws, engraves, paints, or otherwise prepares any obscene or indecent picture or print; or molds, cuts, casts, or otherwise makes any obscene or indecent figure ; or

4.—Writes, composes, or publishes any notice or advertisement of any such writing, paper, book, picture, print, or figure ; or,

5.—Sings any lewd or obscene song, ballad, or other words, in any public place, or in any place where there are persons present to be annoyed thereby, is guilty of a misdemeanor.

SECTION 284.—Every person who is authorized or enjoined to arrest any person for a violation of subdivision three of the preceding section, is equally authorized and enjoined to seize any obscene or indecent writing, paper, book, picture, print, or figure found in possession or under the control of the person so arrested, and to deliver the same to the justice of the peace or other proper officer before whom the person so arrested is required to be taken.

SECTION 285.—The justice of the peace or other proper officer to whom any obscene or indecent writing, paper, book, picture, print, or figure, is delivered, pursuant to the foregoing section, must, upon the examination of the accused, or, if the examination is delayed or prevented, without awaiting such examination, de-

termine the character of such writing, paper, book, picture, print, or figure, and if he finds it be obscene or indecent, he must deliver one copy to the prosecuting attorney of the court in which the accused is liable to information or trial, and must at once destroy all the other copies.

SECTION 286.—Upon the conviction of the accused, any writing, paper, book, picture, print, or figure, in respect whereof the accused stands convicted, shall be destroyed.

SECTION 287.—Every person who keeps a house of ill fame in Porto Rico, resorted to for the purpose of prostitution, or lewdness, or who wilfully resides in such house, is guilty of misdemeanor.

SECTION 288.—Every person who keeps any disorderly house, or any house for the purpose of assignation or prostitution, or any house of public resort, by which the peace, comfort, or decency of the immediate neighborhood is habitually disturbed, or who keeps any inn in a disorderly manner; and every person who lets any apartment or tenement, knowing that it is to be used for the purpose of assignation or prostitution, is guilty of a misdemeanor.

SECTION 289.—Any proprietor, keeper, manager, conductor, or person having the control of any house of prostitution, or any house or room resorted to for the purpose of prostitution, who shall admit or keep any minor of either sex therein, or any parent or guardian of any such minor who shall admit or keep such minor, or sanction, or connive at the admission or keeping thereof into, or in any such house or room, shall be guilty of a misdemeanor.

SECTION 290.—Whoever, through invitation or device, prevails upon any person to visit any room, building,

or other places kept for the purposes of gambling or prostitution, is guilty of a misdemeanor; and upon conviction thereof, shall be confined in jail not exceeding six months, or fined not exceeding five hundred dollars, or be punished by both such fine and imprisonment.

CHAPTER VIII.

LOTTERIES.

SECTION 291.—A lottery is any scheme for the disposal or distribution of money or property by chance, among persons who have paid or promised to pay any valuable consideration for the chance of obtaining such property or a portion of it, or for any share or interest in such money or property, upon any agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance, whether called a lottery, raffle, or gift enterprise, or by whatever name the same may be known.

SECTION 292.—Every person who contrives, prepares, sets up, proposes, or draws any lottery is guilty of misdemeanor.

SECTION 293.—Every person who sells, gives, or in any manner whatever furnishes or transfers to or for any other person any ticket, chance, share, or interest, or any paper, certificate, or instrument purporting or understood to be or to represent any ticket, chance, share, or interest in, or depending upon the event of any lottery, is guilty of a misdemeanor.

SECTION 294.—Every person who aids or assists, either by printing, writing, advertising, publishing, or otherwise, in setting up, managing, or drawing any lottery, or in selling or disposing of any ticket, chance, or share therein, is guilty of a misdemeanor.

SECTION 295.—Every person who opens, sets up, or keeps, by himself or by any other person, any office or other place for the sale of, or for registering the number of any ticket in any lottery, or who by printing, writing, or otherwise, advertises or publishes the setting up, opening, or using of any such office, is guilty of a misdemeanor.

SECTION 296.—Every person who insures or receives any consideration for insuring for or against the drawing of any lottery whatever, whether drawn or to be drawn within Porto Rico or not, or who receives any valuable consideration upon any agreement to repay any sum, or deliver the same, or any other property, if any lottery ticket or number of any ticket in any lottery shall prove fortunate or unfortunate, or shall be drawn or not be drawn at any particular time or in any particular order, or who promises or agrees to pay sum of money, or to deliver any goods, things in action or property, or to forbear to do anything for the benefit of any person, with or without consideration, upon any event or contingency, dependent on the drawing of any ticket in any lottery, or who publishes any notice or proposal of any of the purposes aforesaid, is guilty of a misdemeanor.

SECTION 297.—All moneys and property offered for sale or distributed in violation of any of the provisions of this Chapter are forfeited to the Insular Government, and may be recovered by information filed, or by an action brought by the Attorney General, or by any prosecuting attorney, in the name of "The People of Porto Rico." Upon the filing of information or complaint, an attachment shall issue against the property mentioned in the complaint or information, which attachment has the same force and effect against such property,

and is issued in the same manner, as attachments issued from the District Courts in civil cases.

SECTION 298.—Every person who lets, or permits to be used, any building or vessel, or any portion thereof, knowing that it is to be used for setting up, managing, or drawing any lottery, or for the purpose of selling or disposing of lottery tickets, is guilty of a misdemeanor.

CHAPTER IX

GAMING.

SECTION 299.—Every person who deals, plays, or carries on, opens, or causes to be opened, or who conducts, either as owner or employee, whether for hire or not, any game of faro, monte, roulette, tan, fantan, stud-horse poker, seven-and-a-half, twenty-one, hokey-pokey, or any banking or percentage game played with cards, dice or any device, for money, checks, credit, or other representative of value, and every person who plays or bets at or against any of said prohibited games, is guilty of a misdemeanor, and shall be punishable by a fine not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in jail not exceeding six months, or by both such fine and imprisonment.

SECTION 300.—Every person who knowingly permits any of the games mentioned in the preceding section to be played, conducted, or dealt in any house owned or rented by such person, in whole or in part, is punishable as provided in the preceding section.

SECTION 301.—Every person duly summoned as a witness for the prosecution, on any proceedings had under this Chapter, who neglects or refuses to attend, as required, is guilty of a misdemeanor.

SECTION 302.—Every prosecuting attorney, marshal,

or police officer must inform against and diligently prosecute persons whom they have reasonable cause to believe offenders against the provisions of this Chapter, and every such officer refusing or neglecting to do so, is guilty of a misdemeanor.

SECTION 303.—Every owner or lessee, or keeper of any house used in whole, or in part, as a saloon or drinking place, who knowingly permits any person under twenty-one years of age to play at any game of chance therein, is guilty of a misdemeanor.

SECTION 304.—Every official or conservator of the peace, or any other person who shall ask for, receive or collect any money or other valuable consideration either for his own or public use for and with the understanding that he will aid, exempt or otherwise assist any person from arrest or conviction for a violation of Section 299 of this Code, or who shall issue, deliver or cause to be given or delivered to any person or persons any license, permit or other privilege giving or pretending to give any authority or right to any person to carry on, conduct, open, or cause to be opened any game or games which are forbidden or prohibited by Section 299 of this Code, and any such officer or officers who shall vote for the passage of any ordinance or by-law giving, granting or pretending to give or grant any person or persons authority or privilege to open, carry on or conduct any game or games herein prohibited, is guilty of a felony.

CHAPTER X.

PAWNBROKERS.

SECTION 305.—Every person who carries on the business of a pawnbroker, by receiving goods in pledge for loans at any rate of interest above the legal rate,

except by authority of a license, is guilty of a misdemeanor.

SECTION 306.—Every person who carries on the business of a pawnbroker, who fails at the time of the transaction to enter in a register kept by him for that purpose, in the English or Spanish language, the date, duration, amount, and rate of interest of every loan made by him, or an accurate description of the property pledged, or the name and residence of the pledger or to deliver to the pledger a written copy of such entry, or to keep an account in writing of all sales made by him, is guilty of misdemeanor.

SECTION 307.—Every pawnbroker who charges or receives interest at more than the legal rate per month, or who, by charging commissions, discount, storage, or other charges, or by compounding, increases or attempts to increase such interest, is guilty of a misdemeanor.

SECTION 308.—Every pawnbroker who sell any article pledged to him and unredeemed, without having complied with the requirements of law is guilty of a misdemeanor.

SECTION 309.—Every pawnbroker who wilfully refuses to disclose to the pledger or his agent the name of the purchaser and the price received by him for any article received by him in pledge and subsequently sold or who, after deducting from the proceeds of any sale the amount of the loan and interest due thereon, with costs of sale, refuses, on demand, to pay the balance to the pledger or his agent, is guilty of a misdemeanor.

SECTION 310.—Every pawnbroker who fails, refuses, or neglects to produce for inspection his register, or to exhibit all articles received by him in pledge, or his account of sales, to any officer holding a warrant authorizing him to search for personal property or the order

of a justice of the peace or other proper officer directing such officer to inspect such register, or examine such articles or account of sales, is guilty of a misdemeanor.

CHAPTER XI.

CRIMES AGAINST OTHER CLASSES OF PROPERTY.

SECTION 311.—Every person who wilfully reproduces, copies, imitates, forges, or counterfeits, or procures to be reproduced, copied, imitated, forged or counterfeited, any trade mark usually affixed by any person to his goods, which has been duly recorded in the office of the Secretary of Porto Rico, or with the Commissioner of Patents in the United States Patent Office, or any label or brand, composed in whole or in part of a reproduction of said trademark, who affixes the same to goods of essentially the same descriptive properties and qualities as those referred to in the registration of such trade mark, with intent to pass off, or to assist other persons to pass off, any goods to which such reproduced, copied, imitated, forged, or counterfeited trade mark, or label, or brand is affixed, or intended to be affixed, as the goods of the person, firm, company, or corporation owning the said trade mark, is guilty of a misdemeanor.

SECTION 312.—Every person who sells or keeps for sale, or manufactures or prepares, for the purpose of sale, any goods upon, or to which any reproduced, copied, imitated, forged, or counterfeited trade mark or label or brand composed in whole or in part of such reproduced, copied, imitated, forged or counterfeited trade mark has been fixed, after such trade mark has been recorded in the office of the Secretary of Porto Rico, or with the Commissioner of Patents in the

United States Patent Office, intending to represent such goods as the genuine goods of the person, firm, company, or corporation, owning the said trade mark, knowing the same to be reproduced, copied, imitated, forged, or counterfeited, is guilty of a misdemeanor.

SECTION 313.—The phrases “forged trade mark”, and “counterfeited trade mark”, or their equivalents, as used in this Chapter, include every alteration or imitation of any trade mark so resembling the original as to be likely to deceive.

SECTION 314.—The phrase, “trade mark”, as used in the three preceding sections, includes every description of word, letter, device, emblem, stamp, imprint, brand, printed ticket, label, or wrapper, usually affixed by any mechanic, manufacturer, druggist, merchant, or tradesman, to denote any goods to be goods imported, manufactured, produced, compounded, or sold by him, other than any name, word, or expression generally denoting any goods to be of some particular class or description.

SECTION 315.—Every person who has in his possession, or who uses any cask, bottle, vessel, case, cover, label, brand, or other thing bearing, or having in any way connected with it, the trade mark of another, which has been duly recorded in the office of the Secretary of Porto Rico, or with the Commissioner of Patents in the United States Patent Office, or the trade name of another, for the purpose of disposing of any article other than that which such cask, bottle, vessel, case, cover, label, brand, or other thing originally contained, or is connected with by the owner of such trade mark or trade name, with intent to deceive or defraud, is guilty of a misdemeanor.

SECTION 316.—Every person who wilfully sells, or

trafficks in any cask, keg, bottle, vessel, siphon, can, case, or other package bearing the duly filed trade mark or name of another, printed, branded, stamped, engraved, etched, blown, or otherwise attached or produced thereon, or refills any such cask, keg, bottle, vessel, siphon, can, case, or other package with intent to defraud the owner thereof, without the consent of the owner thereof, or unless the same shall have been purchased from the owner thereof, is guilty of a misdemeanor.

SECTION 317.—Every person who shall wilfully deface, erase, obliterate, cover up, or otherwise remove, destroy, or conceal the duly filed trade mark, or name of another, printed, branded, stamped, engraved, etched, blown, impressed, or otherwise attached to, or produced upon any cask, keg, bottle, vessel, siphon, can, case, or other package, for the purpose of selling or trafficking in such cask, keg, bottle, vessel, siphon, can, case, or other package, or refilling such cask, keg, bottle, vessel, siphon, can, case, or other package, with intent to defraud the owner thereof, without the consent of the owner, or unless the same shall have been purchased from the owner is guilty of a misdemeanor.

SECTION 318.—Every person who defaces or obliterates the marks upon wrecked property, or in any manner disguises the appearance thereof, with intent to prevent the owner from discovering its identity, or who destroys or suppresses any invoice, bill of lading, or other document tending to show the ownership, is guilty of a misdemeanor.

SECTION 319.—Every person who cuts out, alters, or defaces any mark made upon any log, lumber, or wood, or puts a false mark thereon with intent to prevent the owner from discovering its identity, is guilty of a misdemeanor.

SECTION 320.—Every person who marks or brands, alters, or defaces the mark or brand of any horse, mare, colt, jack, mule, bull, ox, steer, cow, calf, sheep, goat, hog, shoat, or pig, belonging to another with intent thereby to steal the same, or to prevent identification thereof by the true owner, is punishable by imprisonment in the penitentiary for not less than one nor more than five years.

SECTION 321.—Every member of a partnership, who commits any fraud in the affairs of the partnership, is guilty of a misdemeanor.

SECTION 322.—Every person guilty of any harsh, cruel or unkind treatment of, or any neglect of duty towards any idiot, lunatic, or insane person, is guilty of a misdemeanor.

SECTION 323.—Every person who makes, issues, or puts in circulation any bill, check, ticket, certificate promissory note, or the paper of any bank, to circulate as money, except as authorized by the laws of the United States or Porto Rico, for the first offense is guilty of a misdemeanor, and for each and every subsequent offense is guilty of felony.

SECTION 324.—Every person, and every agent or officer of any corporation, carrying on business as an innkeeper or as a common carrier of passengers, who refuses, without just cause or excuse, to receive and entertain any guest, or to receive and carry any passenger, is guilty of a misdemeanor.

TITLE XIV.

OF CRIMES AGAINST THE PUBLIC HEALTH AND SAFETY.

SECTION 325.—Every engineer or other person having charge of any steam-boiler, steam-engine, or other

apparatus for generating or employing steam, used in any manufactory, railway, or other works, who wilfully, or from ignorance, or gross neglect, creates, or allows to be created such an undue quantity of steam as to burst or break the boiler, or engine, or apparatus, or cause any other accident whereby human life is endangered, is guilty of a felony.

SECTION 326.—Every person having charge of any steam-boiler or steam-engine, or other apparatus for generating or employing steam used in any manufactory, or on any railroad, or in any vessel, or in any kind of mechanical work, who wilfully or from ignorance or neglect, creates, or allows to be created, such an undue quantity of steam as to burst or break the boiler, engine, or apparatus, or to cause any other accident whereby the death of a human being is produced, is punishable by imprisonment in the penitentiary for not less than one nor more than ten years.

SECTION 327.—Every captain or other person having charge of any steamboat used for the conveyance of passengers, or of the boilers and engines thereof, who from ignorance or gross neglect, or for the purpose of excelling any other boat in speed, creates, or allows to be created, such an undue quantity of steam as to burst or break the boiler, or any apparatus or machinery connected therewith, by which bursting or breaking human life is endangered, is guilty of a felony.

SECTION 328.—Every conductor, engineer, brakeman, switchman, or other person having charge, wholly or in part, of any railroad car, locomotive, or train, which is used as a common carrier, who wilfully or negligently suffers or causes the same to collide with another car, locomotive, or train, or with any other object or thing whereby the death of a human being is produced

is punishable by imprisonment in the penitentiary for not less than one nor more than ten years.

SECTION 329.—Anything which is injurious to health or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, by an entire community or neighborhood, or by any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, is a public nuisance.

SECTION 330.—Every person who maintains or commits any public nuisance, the punishment for which is not otherwise prescribed, or who wilfully omits to perform any legal duty relating to the removal of a public nuisance, is guilty of a misdemeanor.

SECTION 331.—Every person who establishes or keeps or causes to be established or kept, within the limits of any city or village, any pest-house, hospital, or place for persons affected with contagious or infectious diseases, is guilty of a misdemeanor.

SECTION 332.—Every person who puts the carcass of any dead animal, or the offal or filth from any slaughter house, pen or butcher shop, into any river, creek, pond, reservoir, stream, alley, public highway, or road in common use, and any person who puts any filth or carcasses of any dead animal or any offal of any kind in or upon the borders of any stream, pond, lake or reservoir, from which water is drawn for the supply of the inhabitants of any city, village or municipality, so that the drainage from the filth, carcass of any animal or offal of any kind may be taken up by or in such stream, lake or reservoir, or who by any other means

fouls or pollutes the waters of any such stream, pond, lake, or reservoir, is guilty of a misdemeanor and upon conviction shall be punished by imprisonment in jail not exceeding one year or by fine not exceeding one thousand dollars, or by both fine and imprisonment in the discretion of the court.

SECTION 333.—Every person who makes, or keeps more than one hundred pounds of gunpowder, nitroglycerine, or other highly explosive substance, within any city or village, or who carries the same through the streets thereof, in a reckless or careless manner, contrary to law, or forbidden by any ordinance of such city or village, is guilty of a misdemeanor.

SECTION 334.—Every person charged with the performance of any duty under the laws relating to the preservation of the public health, who wilfully neglects or refuses to perform the same, is guilty of a misdemeanor.

SECTION 335.—Every apothecary, druggist, or person carrying on business as a dealer in drugs or medicines, or person employed as clerk or salesman by such person, who, in putting any drugs or medicines, or making up any prescription, or filling any order for drugs or medicines, wilfully, negligently, or ignorantly omits to label the same, or puts an untrue label, stamp, or other designation of contents, upon any box, bottle, or other package containing any drugs or medicines, or substitutes a different article for any article prescribed or ordered, or puts up a greater or less quantity of any article than that prescribed or ordered, or otherwise deviates from the terms of the prescription or order which he undertakes to follow, in consequence of which human life or health is endangered, is guilty of a misdemeanor, or if death ensues, is guilty of a felony.

SECTION 336.—Every person who in putting up in any bale, bag, box, barrel or other package any sugar, tobacco, coffee, rice or other goods usually sold in bales, bags, boxes, barrels, or other packages, by weight or otherwise, puts in or conceals therein anything whatever for the purposes of increasing the weight or measurement of such bale, bag, box, barrel or other package with intent thereby to sell the goods therein or to enable another to sell the same for an increased weight or measurement, is punishable by fine not less than twenty-five dollars for such offense, or confined in jail for not less than thirty days, or by both fine and imprisonment in the discretion of the court.

SECTION 337.—Every person who adulterates or dilutes any articles of food, drink, drug, medicine, spirituous or malt liquor, or wine, or any article useful in compounding them, with a fraudulent intent to offer the same or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells, or keeps or offers for sale the same, as unadulterated or undiluted, is guilty of a misdemeanor.

SECTION 338.—Every person who knowingly sells, or keeps or offers for sale, or otherwise disposes of any article of food, drink, drug, or medicine, knowing that the same has become tainted, decayed, spoiled, or otherwise unwholesome or unfit to be eaten or drunk, with intent to permit the same to be eaten or drunk, is guilty of a misdemeanor.

SECTION 339.—Every person who wilfully or negligently sets on fire, or causes or procures to be set on fire, any goods, grasses or shrubbery or other property on any lands, is guilty of a misdemeanor.

SECTION 340.—Every person who, at the burning of a building, disobeys the lawful orders of any public

officer or fireman, or offers any resistance to or interferes with the lawful efforts of any fireman or company of firemen to extinguish the same, or engages in any disorderly conduct calculated to prevent the same from being extinguished, or who forbids, prevents, or dissuades others from assisting to extinguish the same, is guilty of a misdemeanor.

SECTION 341.—Every person who demands or receives compensation for the use of any bridge or ferry or sets up or keeps any road, bridge, ferry or constructed ford, for the purpose of receiving any remuneration for the use of the same, without authority of law, is guilty of a misdemeanor.

SECTION 342.—Every person who, having entered into an undertaking to keep and attend a ferry, violates the conditions of such undertaking, is guilty of a misdemeanor.

SECTION 343.—Every person in charge of a locomotive engine, who, before crossing any traveled public way, omits to cause a bell to ring or steam-whistle to sound, at the distance of at least one hundred and fifty meters from the crossing, and up to it, is guilty of a misdemeanor.

SECTION 344.—Every person who is intoxicated while in charge of a locomotive engine, or while acting as conductor or driver upon any railroad train or car, whether propelled by steam or electricity, or while acting as train dispatcher, or as telegraph operator, receiving or transmitting dispatches in relation to the movement of trains, is guilty of a misdemeanor.

SECTION 345.—Every person who wilfully exposes himself or another afflicted with any contagious or infectious disease, in any public place or thoroughfare, except in his necessary removal in a manner the least

dangerous to the public health, is guilty of a misdemeanor.

SECTION 346.—Every person who wilfully makes or publishes any false statement, spreads any false rumor, or employs any other false or fraudulent means or device, with intent to affect the market price of any kind of property, is guilty of a misdemeanor.

SECTION 347.—Every person who sells or furnishes, or causes to be sold or furnished, any intoxicating liquors to any habitual or common drunkard, is guilty of a misdemeanor.

SECTION 348.—If the owner of a ferocious, vicious or mischievous animal, knowing its propensities, wilfully suffers it to go at large, or keeps it without ordinary care, and such animal, while so at large, or while not kept with ordinary care, kills any human being who has taken all the precautions which the circumstances permitted, or which a reasonable person would ordinarily take, in the same situation, is guilty of a felony.

SECTION 349.—Every person exhibiting the deformities of another, or his own deformities, for hire, is guilty of a misdemeanor; and every person who shall by any artificial means give to any person the appearance of a deformity, and shall exhibit such person for hire, shall be guilty of a misdemeanor.

SECTION 350.—Every person who deliberately aids, or advises, or encourages another to commit suicide, is guilty of a felony.

SECTION 351.—Any person who shall knowingly sell, or offer for sale, or use, or expose, or who shall cause or procure to be sold or offered for sale, or used, or exposed any horse, mule, or other animal having the disease known as glanders, or any other contagious or infectious disease, shall be guilty of a misdemeanor.

SECTION 352.—Every animal having glanders or any other contagious or infectious disease shall at once be deprived of life by the owner or person having charge thereof, upon discovery or knowledge of its condition; and any such owner or person omitting or refusing to comply with the provisions of this section shall be guilty of a misdemeanor.

SECTION 353.—Every person who adulterates candy by using in its manufacture terra alba or any other deleterious substances, or who sells or keeps for sale any candy or candies adulterated with terra alba or any other deleterious substance, knowing the same to be adulterated, is guilty of a misdemeanor.

SECTION 354.—Every person who imports into Porto Rico any cattle, horses, mules, or asses, after the Governor has made proclamation holding in quarantine for the purpose of inspection for contagious or infectious diseases, such animals, and allows the same or any of them to leave the place of their first arrival in Porto Rico, until they have been examined by the insular veterinary surgeon, and a certificate has been obtained therefrom that such animals are free from disease or permits any such animals to run at large, or to be removed, or to escape, before such certificate has been received, is punishable by a fine not exceeding five hundred dollars.

SECTION 355.—Every person who, after the publication of such proclamation, knowingly receives or transports within the limits of Porto Rico, any animal mentioned in the preceding section, before the certificate mentioned therein has been given, is punishable by a fine not exceeding two thousand dollars.

SECTION 356.—Every person who owns or has the custody of any cattle, horses, mules or asses infected

with a contagious disease, and fails to immediately report the same to the insular health authorities, or conceals the existence of such disease, or attempts so to do, or wilfully obstructs or resists the said health authorities in the discharge of their duty as provided by law, or sells, gives away or uses the meat or milk, or removes the skin or any part of such animal, is punishable by fine not exceeding three hundred dollars or imprisonment in jail not exceeding one year, or both, in the discretion of the court.

SECTION 357.—Every person who shall violate the terms of any proclamation issued by the Governor in accordance with law and in relation to public health, or who shall violate local quarantine, sanitary or other regulations issued under authority of law, shall be guilty of a misdemeanor and shall be punishable accordingly.

TITLE XV.

OF CRIMES AGAINST THE PUBLIC PEACE.

SECTION 358.—Every person who wilfully disturbs or disquiets any assemblage of people met for religious worship, or any other purpose not unlawful in character, by noise, profane discourse, rude or indecent behavior, or by any unnecessary noise, either within the place where such meeting is held, or so near as to disturb the order and solemnity of the meeting, is guilty of a misdemeanor; and every person who without authority of law wilfully disturbs or breaks up any assembly or meeting, not unlawful in its character, is guilty of a misdemeanor.

SECTION 359.—Any use of force or violence, disturbing the public peace or any threat to use such force or violence, if accompanied by immediate power of execu-

tion, by two or more persons acting together, and without authority of law, is a riot.

SECTION 360.—Every person who participates in any riot is punishable by imprisonment in jail not exceeding two years, or by fine not exceeding two thousand dollars, or both.

SECTION 361.—Whenever two or more persons assembled and acting together, make any attempt or advance toward the commission of an act which would be a riot if actually committed, such assembly is a rout.

SECTION 362.—Whenever two or more persons assemble together to do an unlawful act, and separate without doing or advancing toward it, or do a lawful act in a violent, boisterous, or tumultuous manner, such assembly is an unlawful assembly.

SECTION 363.—Every person who participates in any rout or unlawful assembly is guilty of a misdemeanor.

SECTION 364.—Every person remaining present at the place of any riot, rout, or unlawful assembly, after the same has been lawfully warned to disperse, except public officers and persons assisting them in attempting to disperse the same, is guilty of a misdemeanor.

SECTION 365.—If a public officer, or police, having notice of an unlawful or riotous assembly, mentioned in this Chapter, neglects to proceed to the place of assembly or as near thereto as he can with safety, and to exercise the authority with which he is invested for suppressing the same and arresting the offenders, he is guilty of a misdemeanor.

SECTION 366.—A person who engages in, instigates, aids, encourages, or does any act to further a contention or a fight, without weapons, between two or more persons, or a fight commonly called a ring or prize fight, or who engages in a public or private spar-

ring exhibition, with or without gloves, within Porto Rico, who sends or publishes a challenge or acceptance of a challenge for such a contention, exhibition, or fight or carries or delivers such a challenge or acceptance, or trains or assists any person in training or preparing for such a contention, exhibition or fight, shall be guilty of a felony, and upon conviction shall be fined not less than one thousand dollars, nor more than five thousand dollars and be imprisoned in the penitentiary not less than one year nor more than three years.

SECTION 367.—Every person wilfully present as a spectator at any fight or contention mentioned in the preceding section, is guilty of a misdemeanor.

SECTION 368.—Every person who maliciously and wilfully disturbs the peace or quiet of any neighborhood or person, by loud or unusual noise, or by tumultuous or offensive conduct, or threatening, traducing, quarelling, challenging to fight or fighting, or who on the public streets of any city or village, or upon the public highways fires any gun or pistol, or uses any vulgar, profane or indecent language within the presence or hearing of women or children, in a loud and boisterous manner, is guilty of a misdemeanor, and shall be punished by fine not exceeding two hundred dollars, or by imprisonment in jail for not more than ninety days, or by both fine and imprisonment, at the discretion of the court.

SECTION 369.—If two or more persons assemble for the purpose of disturbing the public peace, or committing any unlawful act, and do not disperse on being desired or commanded so to do by a public officer, the persons so offending are severally guilty of a misdemeanor.

SECTION 370.—Every person who, not in necessary

self-defense, in the presence of two or more persons, draws or exhibits any deadly weapon in a rude, angry, and threatening manner, or who, in any manner unlawfully uses the same, in any fight or quarrel, is guilty of a misdemeanor.

SECTION 371.—Every person using or procuring, encouraging or assisting another to use any force or violence in entering upon or detaining any lands or other real property, public or private, except in the cases and in the manner allowed by law, is guilty of a misdemeanor.

TITLE XVI.

OF CRIMES AGAINST THE REVENUE OF PORTO RICO.

SECTION 372.—Any officer of Porto Rico, or of any municipality or other local district, and every person charged with the receipt, safe-keeping, transfer or disbursement of public moneys, who either:

1.—Without authority of law, appropriates the same, or any portion thereof, to his own use, or to the use of another; or,

2.—Loans the same, or any portion thereof; or makes a profit out of, or uses the same for any purpose not authorized by law; or,

3.—Fails to keep the same in his possession until disbursed or paid out by authority of law; or,

4.—Unlawfully deposits the same, or any portion thereof, in any bank, or with any banker or other person; or,

5.—Changes or converts any portion thereof from coin into currency, or from currency into coin or other currency, without authority of law; or,

6.—Knowingly keeps any false account, or makes

any false entry or erasure in any account of or relating to the same; or,

7.—Fraudulently alters, falsifies, conceals, destroys or obliterates any account, or documents relating thereto; or,

8.—Wilfully refuses or omits to pay over, on demand, any public moneys in his hands, upon the presentation of a draft, order, or warrant drawn upon such moneys by competent authority; or,

9.—Wilfully omits to transfer the same, when such transfer is required by law; or,

10.—Wilfully omits or refuses to pay over to any officer or person authorized by law to receive the same any money received by him under any duty imposed by law so to pay over the same;

—is punishable by imprisonment in the penitentiary for not less than one nor more than ten years, and is disqualified from holding any office.

SECTION 373.—Any internal revenue agent, collector or deputy collector of internal revenue, or any employee in the office of the Treasurer :

1.—Who, while under commission becomes engaged, directly or indirectly, in any occupation taxed under the provisions or the revenue law or in the manufacture, importation or sale of any article taxed under the provisions of said laws ; or

2.—Who fails, fully and promptly, to account for any and all public funds, fines, internal revenue stamps, licenses, receipts, books, documents, records, papers or any other form of public property; or,

3.—Who is guilty of any extortion or wilful oppression under color of law; or

4.—Who, knowingly, demands other or greater sums than are authorized by law, or receives any fee,

compensation or reward, except as herein provided for the performance of any duty; or,

5.—Who wilfully neglects to perform any of the duties enjoined upon him by laws; or,

6.—Who conspires or colludes with any person to defraud the public revenues; or,

7.—Who makes opportunities for any person to defraud the public revenues ; or,

8.—Who does, or omits to do, any act with intent to enable any other person to defraud the public revenues; or,

9.—Who, negligently or designedly permits any violation of the law by any person; or,

10.—Who makes or signs any false entry in any book, or makes or signs any false certificate or return in any case where he is required by this law or by such regulations as may hereafter be issued by the Treasurer, to make any entry, certificate or return ; or,

11.—Who, having knowledge or information of the violation of any provision of the Revenue Law, by any person, or of fraud committed by any person against the public revenues under this Law, fails to report in writing such violation or fraud to the designated authority ; or,

12.—Who demands, accepts or attempts to collect, directly or indirectly, as payment, gift or otherwise, any sum of money or other thing of value for the compromise, adjustment or settlement of any charge or complaint for any violation or alleged violation of the Revenue Law ; or

13.—Who shall divulge or make known, in any manner whatsoever not provided by law, to any person, the accounts, condition of business affairs, or manner of conducting the same of any tax-paying person.

association or corporation whose books, accounts and business operations may have been investigated in the discharge of their duties, shall be dismissed from office and shall be charged with a felony, and, upon conviction by any court having jurisdiction of the offense committed, shall be fined not less than two hundred and fifty dollars nor more than two thousand dollars, or be imprisoned not less than six months nor more than five years, or both, at the discretion of the court.

SECTION 374.—Every officer charged with the receipt, safekeeping, or disbursement of public moneys, who neglects or fails to keep and pay over the same in the manner prescribed by law, is guilty of a felony.

SECTION 375.—The phrase “public moneys”, as used in the preceding sections, includes all bonds and evidences of indebtedness, and all moneys belonging to the Insular Government, or any city, municipality, town, or district therein, and all moneys, bonds, and evidences of indebtedness received or held by insular, municipal, city, or village officers in their official capacity.

SECTION 376.—If any clerk, marshal, other officer, who receives any fine or forfeiture, refuses or neglects to pay over the same according to law, and within thirty days after the receipt thereof, he is guilty of a misdemeanor.

SECTION 377.—Any person whose taxes have become due who shall offer any resistance to any collector of taxes, after the presentation of an order from the court, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to imprisonment not exceeding one year or to pay a fine not to exceed three hundred dollars.

SECTION 378.—Any person, agent or officer of any

institution, corporation or company, who shall give or return a false or fraudulent list, schedule or statement as required by the Revenue Law; or who shall wilfully fail or refuse to take and subscribe to any of the oaths, affidavits or affirmations required by said Act; or who shall wilfully refuse to answer any interrogatory which the Treasurer, the supervisor of assessment or any member of a board of review or the board of appeal is by the said act authorized to propound, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment at hard labor for a term not exceeding one year, or both, at the discretion of the court.

SECTION 379.—Every person who wilfully obstructs or hinders any public officer from collecting any revenue, taxes or other sums of money in which "The People of Porto Rico" are interested, and which such officer is by law empowered to collect, is guilty of a misdemeanor.

SECTION 380.—Every person who unlawfully refuses, upon demand, to give to any assessor a list of his property subject to taxation, or to swear to such list, or who give a false name or fraudulently refuses to give his true name to any assessor, when demanded by such assessor in the discharge of his official duties, is guilty of a misdemeanor.

SECTION 381.—Every person who uses or gives any receipt, except that prescribed by law, as evidence of the payment of any tax, or license of any kind, or who receives payment of such tax or license without delivering the receipt prescribed by law, or who inserts the name or more than one person therein, is guilty of a misdemeanor.

SECTION 382.—Every person who has in his possession, with intent to circulate or sell, any blank licenses or tax receipts other than those furnished by the proper authority, is guilty of a felony,

SECTION 383.—Every person who commences or carries on any business, trade, profession or calling, for the transaction or carrying on of which a license is required by law, without taking out or procuring the license prescribed by such law is guilty of a misdemeanor.

SECTION 384.—Any appraiser who takes any fee or reward from any executor, administrator, trustee, heir, legatee, next of kin or any beneficiary of any decedent, is guilty of a misdemeanor and upon conviction of such offense said appraiser shall be fined not exceeding five hundred dollars or be imprisoned not exceeding one year, or both, at the discretion of the court.

SECTION 385.—Any assessor who makes any charge for administering any oath or affirmation, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars.

SECTION 386.—Any clerk appointed under the revenue law, assessor or member of a board of review, who wilfully neglects to perform the duties of his office, or corruptly receives any fee reward, emolument or advantage whatsoever intended to influence his conduct or the performance of his duty, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment for a term not less than six months nor more than five years, or by a fine not less than one hundred nor more than one thousand dollars, or both, at the discretion of the court.

SECTION 387.—Any person, association or corporation who manufactures, sells, ships or imports any arti-

cle or thing provided for in the provisions of the Revenue Law without affixing and cancelling stamps denoting the tax paid, or if any person, association or corporation shall execute, deliver, receive or record any document or instrument provided for in the Revenue Law, without affixing and cancelling stamps denoting the tax paid; every person, association or corporation so offending, and every person, knowingly and wilfully aiding, abetting or assisting in committing any such offenses as aforesaid, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred nor more than one thousand dollars, or by imprisonment for a term of not less than one month nor more than one year, or both, at the discretion of the court.

SECTION 388.—Any person, association or corporation who shall engage in the manufacture, importation or exportation of any of the articles taxed in accordance with the Revenue Law before he shall have executed a bond, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred nor more than one thousand dollars, or by imprisonment for not less than one month nor more than one year, or both, at the discretion of the court.

SECTION 389.—If any person shall forge or counterfeit, or cause or procure to be forged or counterfeited, any stamp which shall have been provided, made or used in pursuance of the Revenue Law of Porto Rico, or may hereafter be provided, made or used in pursuance of the same, or if any person shall use in payment of taxes imposed in the said Act any internal revenue stamp after it shall once have been used, or if any person shall wilfully remove, or cause to be removed, alter,

or cause to be altered, the cancelling or defacing marks of any adhesive stamp with intent to use the same, or cause the use of the same after it shall have once been used, or shall knowingly or wilfully sell or buy such washed or restored or used stamp, or offer the same for sale, or give or expose the same to any person for use or knowingly use the same, or prepare the same with intent for further use thereof, or if any person shall knowingly and without lawful excuse have in his possession any washed, restored or altered stamp; every person so offending, and every person knowingly and wilfully aiding, abetting or assisting in committing any such offenses, as aforesaid, is guilty of a felony and, upon conviction thereof, shall forfeit the said counterfeit, restored or altered stamps, the articles for the payment of the respective taxes upon which such counterfeit, restored or altered stamps were intended or used and shall be punished by a fine not exceeding one thousand dollars, or by imprisonment and confinement at hard labor for a term not exceeding five years, or both, at the discretion of the court, and all such forfeited articles shall be disposed of in the manner provided by law.

SECTION 390.—Any collector or deputy collector who shall sell or assist in selling any real or personal property, knowing it to be exempt from taxation or knowing that the taxes for which it is sold have been paid, or shall knowingly and wilfully sell or assist in selling any real or personal property for taxes to defraud the owner thereof, or shall in any manner restrain bidders, or shall knowingly or wilfully issue a certificate of purchase of real property so sold, is guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not less than one thousand dollars, or imprisoned

not exceeding one year, or both, at the discretion of the court; and shall be liable to pay the injured party all damages sustained by him on account thereof, and all such sales shall be void.

SECTION 391.—Any collector or deputy collector who shall, directly or indirectly, purchase any part of any real or personal property sold for the non-payment of taxes, is guilty of a misdemeanor and shall, upon conviction, be fined in a sum not exceeding one thousand dollars. In addition thereto he and his sureties shall be liable on his official bond for all damages sustained by the owner of such property, and all such sales shall be void.

SECTION 392.—Every officer charged with the collection, receipt or disbursement of any portion of the revenue, who, upon demand, fails or refuses to permit the proper officer to inspect his books, papers, receipts, and records pertaining to his office, is guilty of a misdemeanor.

SECTION 393.—Every person who in Porto Rico procures, or agrees to procure, any insurance for a resident of Porto Rico, from any insurance company that has not complied with the laws of Porto Rico, is guilty of a misdemeanor.

SECTION 394.—All penalties for delinquency provided in this Chapter of the Penal Code shall apply to institutions, corporations and companies in the same manner as to private individuals.

SECTION 395.—Any agent or officer violating any of the provisions of the Revenue Law shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than two hundred nor more than five hundred dollars.

SECTION 396.—Any person who fails to comply with

the provisions of the Revenue Law is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars.

SECTION 397.—Every assessor, or member of a board of review, or other officer charged with the assessment or collection of revenue, who violates any of the provisions of the laws, where the penalty is not already provided for, shall be guilty of a felony.

TITLE XVII.

OF CRIMES AGAINST PROPERTY.

CHAPTER I.

ARSON.

SECTION 398.—Arson is the wilful and malicious burning of a building of another with intent to destroy it.

SECTION 399.—Any house, edifice, structure, vessel, or other erection, capable of affording shelter for human beings or appurtenant to or connected with an erection so adapted, is a "building" within the meaning of this Chapter.

SECTION 400.—Any building which has usually been occupied by any person lodging therein at night is an "inhabited building," within the meaning of this chapter.

SECTION 401.—The phrase "night-time," as used in this Chapter, means the period between sunset and sunrise.

SECTION 402.—To constitute a burning, within the meaning of this Chapter, it is not necessary that the building set on fire should have been destroyed. It is sufficient that fire is applied so as to take effect upon any part of the substance of the building.

SECTION 403.—To constitute arson it is not necessary that a person other than the accused should have had ownership in the building set on fire. It is sufficient that at the time of the burning another person was rightfully in possession of, or was actually occupying such building, or any part thereof.

SECTION 404.—Arson is divided into two degrees.

SECTION 405.—Maliciously burning in the night-time an inhabited building in which there is at the time some human being, is arson in the first degree. All other kinds of arson are of the second degree.

SECTION 406.—Arson is punishable by imprisonment in the penitentiary as follows:

1.—Arson in the first degree, for not less than ten years.

2.—Arson in the second degree, for not less than one nor more than ten years.

SECTION 407.—Every person who wilfully and maliciously burns any bridge exceeding in value fifty dollars, or any building, or vessel, not the subject of arson, or tobacco or tobacco sheds, or any growing or standing crop, grass or tree, or any fence, not the property of such person, is punishable by imprisonment in the penitentiary for not less than one nor more than ten years.

CHAPTER II.

BURGLARY.

SECTION 408.—Every person who enters any house, room, apartment, tenement, shop, warehouse, store, barn, stable, outhouse, or other building, tent, vessel or car, with intent to commit grand or petit larceny, or any felony, is guilty of burglary.

SECTION 409.—Every burglary committed in the

night-time is burglary in the first degree, and every burglary committed in the day-time is burglary of the second degree,

SECTION 410.—Burglary of first degree is punishable by imprisonment in the penitentiary for not less than one nor more than fifteen years. Burglary of the second degree is punishable by imprisonment in the penitentiary for not more than five years.

SECTION 411.—The phrase “night-time,” as used in this Chapter, means the period between sunset and sunrise.

CHAPTER III.

HAVING POSSESSION OF BURGLARIOUS INSTRUMENTS AND DEADLY WEAPONS.

SECTION 412.—Every person having upon him, or in his possession, a picklock, crow, key, bit, or other instrument or tool with intent feloniously to break or enter into any building, or who shall knowingly make or alter, or shall attempt to make or alter, any key or other instrument above named, so that the same will fit or open the lock of a building, without being requested so to do by some person having the right to open the same, or who shall make, alter, or repair any instruments or thing, knowing, or having reason to believe that it is intended to be used in committing a misdemeanor or felony, is guilty of misdemeanor. Any of the structures mentioned in Section 408 of this Code shall be deemed to be a building within the meaning of this section.

CHAPTER IV.

FORGERY AND COUNTERFEITING.

SECTION 413.—Every person who, with intent to defraud another, falsely makes, alters, forges, or counter-

feits any charter, letters-patent, deed, lease, indenture, writing obligatory, will, testament, codicil, annuity, bond, covenant, bank-bill or note, post-note, check, draft, bill of exchange, contract, promissory note, due bill for the payment of money or property, receipt for money or property, passage ticket, power of attorney, or any certificate for any share, right, or interest in the stock of any corporation or association, or any controller's warrant for the payment of money at the treasury, treasurer's or order warrant, or request for the payment, of money, or the delivery of goods or chattels of any kind, or for the delivery of any instrument of writing, acquittance, release or discharge for any debt, account, suit, action, demand, or other thing, real or personal, or any transfer or assurance of money, certificates or shares of stock, goods, chattels, or other property whatever or any letter of attorney, or other power to receive money, or to receive or transfer certificates of shares of stock or annuities, or to let, lease, dispose of, alien, or convey any goods, chattels, lands, or tenements, or others state, real or personal, or any acceptance or indorsement of any bill of exchange, promissory note, draft, order or assignment of any bonds, writing obligatory, or promissory note for money or other property, or counterfeits or forges the seal or handwriting of another, or utters, publishes, passes, or attempts to pass, as true and genuine, any of the above named false, altered, forged or counterfeited matters, as above specified and described, knowing the same to be false, altered, forged, or counterfeited, with intent to prejudice, damage, or defraud, any person; or who with intent to defraud, alters, corrupts, or falsifies any record of any will, codicil, conveyance, or other instrument, the record of which is by law evidence, or any record

of any judgment of a court or the return of any officer to any process of any court, is guilty of forgery.

SECTION 414.—Every person who, with intent to defraud another, makes, forges, or alters any entry in any book of records, or any instrument purporting to be any record or return specified in the preceding section, is guilty of forgery.

SECTION 415.—Every person who, with intent to defraud another, forges or counterfeits the seal of Porto Rico, the seal of any public officer authorized by law, the seal of any court of record, or the seal of any corporation, or any other public seal authorized or recognized by the laws of Porto Rico, or of any State, government, or country, or who falsely makes, forges, or counterfeits any impression purporting to be an impression of any such seal, or who has in his possession any such counterfeited seal, or impression thereof, knowing it to be counterfeited, and wilfully conceals the same, is guilty of forgery.

SECTION 416.—Forgery is punishable by imprisonment in the penitentiary for not less than one nor more than fourteen years.

SECTION 417.—Every person who knowingly and wilfully sends by telegraph to any person a false or forged message, purporting to be from such telegraph office, or from any other person, or who wilfully delivers or causes to be delivered to any person any such message falsely purporting to have been received by telegraph, or who furnishes, or conspires to furnish, or causes to be furnished, to any agent, operator, or employee, to be sent by telegraph, or to be delivered, any such message, knowing the same to be false or forged, with the intent to deceive, injure, or defraud another, is punishable by imprisonment in the penitentiary not

exceeding five years, or in jail not exceeding one year, or by fine not exceeding five thousand dollars, or by both fine and imprisonment.

SECTION 418.—Every person who has in his possession, or receives from another person, any forged promissory note or bank-bill, or bills for payment of money or property, with the intention to pass the same or to permit, cause, or procure the same to be uttered or passed, with the intention to defraud any person, knowing the same to be forged or counterfeited, or has or keeps in his possession any blank or unfinished note or bank-bill made in the form or similitude of any promissory note or bill for payment of money or property, made to be issued by any incorporated bank or banking company, with intention to fill up and complete such blank and unfinished note or bill, or to permit or cause, or procure the same to be filled up and completed, in order to utter or pass the same, or to permit, or cause, or procure the same to be uttered or passed, or to defraud any person, is punishable by imprisonment in the penitentiary; for not less than one nor more than ten years.

SECTION 419.—Every person who makes, passes, utters, or publishes, with intention to defraud any other person, or who, with the like intention, attempts to pass, utter, or publish, or who has in his possession, with like intent to utter, pass, or publish, any fictitious bill, note, or check, purporting to be the bill, note, or check or other instrument in writing for the payment of money or property of some bank, corporation, co-partnership, or individual, when, in fact, there is no such bank, corporation, co-partnership, or individual in existence, knowing the bill, note, check, or instrument in writing to be fictitious, is punishable by imprison-

ment in the penitentiary for not less than one nor more than fifteen years.

SECTION 420.—Every person who counterfeits any of the species of gold or silver coin current in Porto Rico, or any kind or species of gold-dust, gold or silver bullion, or bars, lumps, pieces, or nuggets, or who sells, passes, or gives in payment such counterfeit coin, dust, bullion, bars, lumps, pieces, nuggets, or promises, causes or procures the same to be sold, uttered, or passed, with intention to defraud any person, knowing the same to be counterfeited, is guilty of counterfeiting.

SECTION 421.—Counterfeiting is punishable by imprisonment in the penitentiary for not less than one nor more than fifteen years.

SECTION 422.—Every person who has in his possession, or receives from any other person, any counterfeit gold or silver coin of the species current in Porto Rico, or any counterfeit gold-dust, gold or silver bullion or bars, lumps, pieces, or nuggets, with the intention to sell, utter, put off, or pass the same, or permits, causes, or procures the same to be sold, uttered, or passed, with intention to defraud any person, knowing the same to be counterfeit, is punishable by imprisonment in the penitentiary not less than one nor more than ten years.

SECTION 423.—Every person who makes, or knowingly has in his possession any die, plate, or any apparatus, paper, metal, machine, or other thing whatever, made use of in counterfeiting coins current in Porto Rico or in counterfeiting gold-dust, gold or silver bars, bullion, lumps, pieces, or nuggets, or in counterfeiting bank notes or bills, is punishable by imprisonment in the penitentiary not less than one nor more than fifteen years; and all such dies, plates, apparatus,

paper, metal, or machine, intended for the purpose aforesaid, must be destroyed.

SECTION 424.—Every person who counterfeits, forges, or alters, any ticket, check, order, coupon, receipt for fare, or pass, issued by any railroad company, or other common carrier, or by any lessee or manager thereof, designed to entitle the holder to ride in the cars of such company, or who utters, publishes, or puts into circulation, any such counterfeit or altered ticket, check, or order, coupon, receipt for fare, or pass, with intent to defraud any such railroad company, or other common carrier, or any lessee thereof, or any other person, is punishable by imprisonment in the penitentiary, or in jail, not exceeding one year or by fine not exceeding one thousand dollars, or by both such imprisonment and fine.

SECTION 425.—Every person who, for the purpose of restoring to its original appearance and nominal value in whole or in part, removes, conceals, fills up, or obliterates, the cuts, marks, punch-holes, or other evidence of cancellation, from any ticket, check, order, coupon, receipt for fare, or pass, issued by any railroad company, or any lessee or manager thereof, cancelled in whole or in part, with intent to dispose of by sale or gift, or to circulate the same, or with intent to defraud the railroad company, or lessees thereof, or any other person, or who, with like intent to defraud, offers for sale, or in payment of fare on the railroad of the company, such ticket, check, order, coupon, or pass, knowing the same to have been so restored, in whole or in part, is punishable by imprisonment in jail, not exceeding six months, or by a fine not exceeding one thousand dollars, or by both imprisonment and fine.

CHAPTER V.

LARCENY.

SECTION 426.—Larceny is the felonious stealing, taking, carrying, leading, or driving away the personal property of another.

SECTION 427.—Larceny is divided into two degrees, the first of which is termed grand larceny; the second, petit larceny.

SECTION 428.—Grand larceny is larceny committed in either of the following cases:

1.—When the property taken is of the value of fifty dollars and upwards.

2.—When the property is taken from the person of another.

3.—When the property taken is a horse, mare, gelding, cow, steer, bull, calf, mule, jack, or jenny.

SECTION 429.—Larceny in other cases is petit larceny and is punishable accordingly.

SECTION 430.—Grand larceny is punishable by imprisonment in the penitentiary for not less than one nor more than ten years.

SECTION 431.—Petit larceny is punishable by fine not exceeding five hundred dollars, or by imprisonment in jail not exceeding one year or both.

SECTION 432.—Every person who shall convert any manner of real estate, of the value of fifty dollars and upwards, into personal property, by severing the same from the realty of another, with felonious intent to and shall so steal, take, and carry away the same, shall be deemed guilty of grand larceny, and, upon conviction thereof, shall be punishable by imprisonment in the penitentiary for any term not less than one year nor more than fourteen years.

Every person who shall convert any manner of real estate, of the value of under fifty dollars, into personal property, by severing the same from the realty of another, with felonious intent to and shall so steal, take and carry away the same, shall be deemed guilty of petit larceny, and, upon conviction thereof, shall be punishable by imprisonment in jail for a period not more than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment.

SECTION 433.—One who finds lost property, under circumstances which give him knowledge of or means of inquiry as to the true owner, and who appropriates such property to his own use, or to the use of another person not entitled thereto, without first making reasonable and just efforts to find the owner and restore the property to him, is guilty of larceny, and shall be punished accordingly.

SECTION 434.—If the thing stolen consists of any evidence of debt, or other written instrument, the amount of money due thereupon, or secured to be paid thereby, and remaining unsatisfied, or secured to be paid thereby, and remaining unsatisfied, or which in any contingency might be collected thereon, or the value of the property the title to which is shown thereby, or the sum which might be recovered in the absence thereof, is the value of the thing stolen.

SECTION 435.—If the thing stolen is any ticket or other paper or writing entitling or purporting to entitle the holder or proprietor thereof to a passage upon any railroad or vessel or other public conveyance, the price at which tickets entitling a person to a like passage are usually sold by the proprietors of such conveyance is the value of such ticket, paper or writing.

SECTION 436.—All the provisions of this Chapter apply where the property taken is an instrument for the payment of money, evidence of debt, public security, or passage ticket, completed and ready to be issued or delivered, although the same has never been issued or delivered by the makers thereof to any person as a purchaser or owner, or having other interests therein.

SECTION 437.—The provisions of this Chapter apply also where the thing taken is any fixture or part of the realty, and is severed at the time of the taking, in the same manner as if the thing had been severed by another person at some previous time.

SECTION 438.—Every person who for his own gain, or to prevent the owner from again possessing his property, buys or receives any personal property knowing the same to have been stolen, is punishable by imprisonment in the penitentiary not exceeding five years or in jail not exceeding six months, or by both; and it shall be presumptive evidence that such property was stolen, if the same consists of jewelry, silver or plated ware, or articles of personal ornament, if purchased or received from a person under the age of eighteen, unless such property is sold by said minor at a fixed place of business carried on by said minor or his employer.

SECTION 439.—Every person who, in any country or State of the United States, steals the property of another, or receives such property knowing it to have been stolen, and brings the same into Porto Rico, may be convicted and punished in the same manner as if such larceny or receiving has been committed in Porto Rico.

SECTION 440.—Every person who, with intent to injure or defraud, makes, or causes to be made any pipe, tube, wire, or other instrument, and connects the same or causes it to be connected with any main, service pipe

or other pipe, wire, or connection used for supplying illuminating gas or electricity in such a manner as to supply illuminating gas or electricity to any burner, orifice, globe, or other connection by or at which illuminating gas or electricity is consumed, around or without passing through a meter provided for the measuring and registering the quantity consumed, or in any other manner so as to evade the payment therefor, and every person who with like intent obstructs its action, is guilty of a misdemeanor.

SECTION 441.—Every person who, with intent to injure or defraud, connects or causes to be connected, any pipe, tube or other instrument, with any main, service-pipe, or other pipe, or conduit, or flume, for conducting water, for the purpose of taking water from such main, service pipe, conduit, or flume, without the knowledge of the owner thereof, and with intent to evade payment therefor, is guilty of a misdemeanor.

SECTION 442.—Every person who saves from fire, or from a building endangered by fire, any property, and for two days thereafter corruptly neglects to notify the owner thereof, is punishable by imprisonment in the penitentiary for not less than one nor more than ten years.

SECTION 443.—Every person who, after mortgaging any real property, and during the existence of such mortgage, or after such mortgaged property shall have been sold under an order and decree of foreclosure, and with intent to defraud or injure the mortgagee, his representatives, successors, or assigns, or the purchaser of such mortgaged premises at such foreclosure sale, his representatives or assigns, takes, removes, or carries away from, destroys or damages such mortgaged premises, or otherwise disposes of, or permits the taking,

removing, or carrying away, or otherwise disposing of, any house, barn, or other property affixed thereto, as an improvement thereon, without the written consent of the mortgagee, his representatives, successors, or assigns, or the purchaser at such foreclosure sale, his representatives or assigns, is guilty of larceny and shall be punished accordingly.

SECTION 444.—Every person who, with intent to defraud or injure, opens or causes to be opened, or draws water from any stop-cock or faucet by which the flow of water is controlled, after having been notified that the same has been closed or shut for specific cause, by order of competent authority, is guilty of a misdemeanor.

CHAPTER VI.

EMBEZZLEMENT.

SECTION 445.—Embezzlement is the fraudulent appropriation of property by a person to whom it has been intrusted.

SECTION 446.—Every officer of Porto Rico, or of any any municipality, city, or other civil division, and every deputy, clerk, or servant of any such officer, and every officer, director, trustee, clerk, servant, attorney, or agent of any association, society, or corporation (public or private), who fraudulently appropriates to any use or purpose not in the due and lawful execution of his trust, any property which he has in his possession or under his control by virtue of his trust, or secretes it with a fraudulent intent to appropriate it to such use or purpose, is guilty of embezzlement.

SECTION 447.—Every carrier or other person having under his control personal property for the purpose of

transportation for hire, who fraudulently appropriates it to any use or purpose, inconsistent with the safekeeping of such property and its transportation according to his trust, is guilty of embezzlement, whether he has broken the package in which such property is contained or has otherwise separated the items thereof, or not.

SECTION 448.—Every trustee, banker, merchant, broker, attorney, agent, assignee in trust, executor, administrator, or collector, or person otherwise intrusted with or having in his control property for the use of any other person, who fraudulently appropriates it to any use or purpose not in the due and lawful execution of his trust, or secretes it with a fraudulent intent to appropriate it to such use or purpose, is guilty of embezzlement.

SECTION 449.—Every person intrusted with any property as bailee, tenant, or lodger, or with any power of attorney for the sale or transfer thereof, who fraudulently converts the same or the proceeds thereof to his own use or secretes it or them with a fraudulent intent to convert to his own use, is guilty of embezzlement.

SECTION 450.—Every clerk, agent, or servant of any person who fraudulently appropriates to his own use, or secretes with a fraudulent intent to appropriate to his own use, any property of another which has come into his control or care by virtue of his employment as such clerk, agent, or servant, is guilty of embezzlement.

SECTION 451.—Any evidence of debt, negotiable by delivery only, and actually executed, is the subject of embezzlement, whether it has been delivered or issued as a valid instrument or not.

SECTION 452.—Upon any information for embezzlement, it is a sufficient defense that the property was

appropriated openly and avowedly, and under a claim of title preferred in good faith, even though such claim is untenable. But this provision does not excuse the unlawful retention of the property of another to offset or pay demands held against him.

SECTION 453.—The fact that the accused intended to restore the property embezzled, is no ground of defense or of mitigation of punishment, if it has not been restored before an information has been laid before a municipal judge or other competent magistrate, charging the commission of the offense.

SECTION 454.—Whenever, prior to any complaint laid before a justice of the peace, judge or other competent magistrate, charging the commission of embezzlement, the person accused voluntarily and actually restored or tendered restoration of the property alleged to have been embezzled, or any part thereof, such fact is not a ground of defense, but it authorizes the court to mitigate punishment, in its discretion.

SECTION 455.—Every person guilty of embezzlement is punishable in the manner prescribed for feloniously stealing property of the value of that embezzled; and where the property embezzled is an evidence of debt or right of action, the sum due upon it or secured to be paid by it shall be taken as its value; *Provided* that if the embezzlement or defalcation be of the public funds of the United States, or of Porto Rico, or of any municipality, city, or village of Porto Rico, the offense is a felony, and shall be punishable by imprisonment in the penitentiary not less than one year nor more than ten years; and the person so convicted shall be ineligible thereafter to any office of honor, trust, or profit in Porto Rico.

CHAPTER VII.

EXTORTION.

SECTION 456.—Extortion is the obtaining of property from another, with his consent, induced by a wrongful use of force or fear, or under color of official right.

SECTION 457.—Fear, such as will constitute extortion, may be induced by a threat, either:

1.—To do an unlawful injury to the person or property of the individual threatened, or to any relative of his, or member of his family; or,

2.—To accuse him, or any relative of his or member of his family, of any crime; or,

3.—To expose, or impute to him or them any deformity or disgrace; or,

4.—To expose any secret affecting him or them.

SECTION 458.—Every person who extorts any money or other property from another, under circumstances not amounting to robbery, by means of force, or any threat, such as is mentioned in the preceding section, is punishable by imprisonment in the penitentiary not exceeding five years,

SECTION 459.—Every person who commits any extortion under color of official right, in cases for which a different punishment is not prescribed in this Code, is guilty of a misdemeanor.

SECTION 460.—Every person who, by any extortionate means, obtains from another his signature to any paper or instrument, whereby, if such signature were freely given, any property would be transferred, or any debt, demand, charge, or right of action created, is punishable in the same manner as if the actual delivery of such debt, demand, charge, or right of action were obtained.

SECTION 461.—Every person who, with intent to extort any money or other property from another, sends or delivers to any person any letter or other writing, whether subscribed or not, expressing or implying, or adapted to imply, any threat such as is specified in Section 457 is punishable in the same manner as if such money or property were actually obtained by means of such threat.

SECTION 462.—Every person who unsuccessfully attempts, by means of any verbal threat, such as is specified in Section 457 to extort money or other property from another, is guilty of a misdemeanor.

SECTION 463.—Every officer, agent, or employee of a railroad company, or other common carrier, who asks or receives a greater sum than is allowed by law for the carriage of passengers or freight, is guilty of a misdemeanor.

SECTION 464.—Every person who knowingly and wilfully sends or delivers to another any letter or writing, whether subscribed or not, threatening to accuse him or another of a crime, or to expose or publish any of his failings or infirmities, is guilty of a misdemeanor.

SECTION 465.—Any person or corporation within Porto Rico, or agent or officer on behalf of such person or corporation, who shall hereafter coerce or compel any person or persons to enter into an agreement, either written or verbal, not to join or become a member of any labor organization, as a condition of such person or persons securing employment or continuing in the employment of any such persons or corporation, shall be guilty of a misdemeanor.

CHAPTER VIII.

FALSE PERSONATION AND CHEATS.

SECTION 466.—Every person who falsely personates another, and in such assumed character marries or pretends to marry, or to sustain the marriage relation towards another, with or without the connivance of such other, is guilty of a felony.

SECTION 467.—Every person who falsely personates another, and in such assumed character, either:

1.—Becomes bail or surety for any party in any proceeding whatever, before any court or officer authorized to take such bail or surety; or,

2.—Verifies, publishes, acknowledges, or proves, in the name of another person, any written instrument, with intent that the same may be recorded, delivered, and used as true; or,

3.—Does any other act whereby, if it were done by the person falsely personated, he might, in any event, become liable to any suit or prosecution, or to pay any sum of money, or to incur any charge, forfeiture, or penalty, or whereby any benefit might accrue to the party personating, or to any other person; is punishable by imprisonment in jail not exceeding two years, or by fine not exceeding five thousand dollars.

SECTION 468.—Every person who falsely personates another, and in such assumed character receives any money or property, knowing that it is intended to be delivered to the individual so personated, with intent to convert the same to his own use, or to that of another person, or to deprive the true owner thereof, is punishable in the same manner and to the same extent as for larceny of property so received.

SECTION 469.—Every person who is a party to any

fraudulent conveyance of any property, real or personal, or any right or interest issuing out of the same, or to any bond, suit, judgment, or execution, contract or conveyance, had, made, or contrived, with intent to deceive and defraud others, or to defeat, hinder, or delay creditors or others of their just debts, damages, or demands; or who, being a party as aforesaid, at any time wittingly and willingly puts in, uses avows, maintains, justifies, or defends the same, or any of them, as true, and done, had, or made in good faith, or upon good consideration, or aliens, assigns, or sells any or the property, real or personal, or other things before mentioned, to him or them conveyed as aforesaid, or any part thereof, is guilty of a misdemeanor.

SECTION 470.—Every person who knowingly and designedly, by false or fraudulent representation or pretenses, defrauds any other person of money or property, or who causes or procures others to report falsely of his wealth or mercantile character, and by thus imposing upon any person obtains credit, and thereby fraudulently gets into possession of money or property, is punishable in the same manner and to the same extent as for larceny of the money or property so obtained.

SECTION 471.—Every person who, after once selling, bartering, or disposing of any property, real or personal, or interest therein, or after executing any bond or agreement for the sale of any such property, again wilfully and with intent to defraud previous or subsequent purchasers, sells, barter, or disposes of the same property, or any part thereof, or interest therein, or wilfully and with intent to defraud previous or subsequent purchasers, executes any bond or agreement to sell, barter, or dispose of the same property, or any part

thereof, or interest therein, to any other person for a valuable consideration, is punishable by imprisonment in the penitentiary not less than one nor more than ten years.

SECTION 472.—Every married person who falsely and fraudulently represents himself or herself as competent to sell or mortgage any real estate, to the validity of which sale or mortgage the assent or concurrence of his wife or her husband is necessary, and under such representations wilfully conveys or mortgages the same, is guilty of felony.

SECTION 473.—Every person who obtains any money or property from another, or obtains the signature of another to any written instrument, the false making or which would be forgery by means of any false or fraudulent sale of property or pretended property, by auction, or by any of the practices known as mock auctions, is punishable by imprisonment in the penitentiary not exceeding three years, or in jail not exceeding one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment.

SECTION 474.—Every commission merchant, broker, agent, factor, or consignee, who shall wilfully and corruptly make, or cause to be made, to the principal or consignor of such commission merchant, agent, broker, factor, or consignee, a false statement concerning the price obtained for or the quality or quantity of any property consigned or intrusted to such commission merchant, agent, broker, factor, or consignee, for sale, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by fine not exceeding five hundred dollars, or imprisonment in jail not exceeding six months, or by both such fine and imprisonment.

SECTION 475.—Any person who obtains any food or accommodation at an inn or boarding house without paying therefor, with intent to defraud the proprietor or manager thereof or who obtains credit at an inn or boarding house by the use of any false pretense, or who, after obtaining credit or accommodation at any inn or boarding house, absconds and surreptitiously removes his baggage therefrom without paying for his food or accommodations, is guilty of a misdemeanor.

SECTION 476.—Every person who, after pledging as security any real personal property whatever, for a loan or other security, during the existence of said pledge, with the intent to defraud the pledgee, his representatives or assigns, transfers, sells, takes, drives or carries away or otherwise disposes of or permits the transferring, selling, taking or carrying away or otherwise disposes of said property, or any part thereof, without the written consent of the pledgee, is guilty of larceny and shall be punished accordingly.

SECTION 477.—Every proprietor or publisher of any newspaper or periodical who shall wilfully and knowingly misrepresent the circulation of such newspaper or periodical, for the purpose of securing advertising or other patronage, shall be deemed guilty of a misdemeanor.

CHAPTER IX.

FRAUDULENT DESTRUCTION OF PROPERTY INSURED.

SECTION 478.—Every person who wilfully burns or in any other manner injures or destroys any property which is at the time insured against loss or damage by fire, or by any other casualty, with intent to defraud or prejudice the insurer, whether the same be the property of or in possession of such person, or of any other, is

punishable by imprisonment in the penitentiary not less than one nor more than ten years.

SECTION 479.—Every person who presents or causes to be presented any false or fraudulent claim, or any proof in support of any such claim, upon any contract of insurance for the payment of any loss, or who prepares, makes, or subscribes any account, certificate of survey, affidavit, or proof of loss, or other book, paper, or writing, with intent to present or use the same, or to allow it to be presented or used in support of any such claim, is punishable by imprisonment in the penitentiary not exceeding three years, or by fine not exceeding one thousand dollars, or by both.

CHAPTER X.

FALSE WEIGHTS AND MEASURES.

SECTION 480.—A false weight or measure is one which does not conform to the standard established by law.

SECTION 481.—Every person who uses any weight or measure, knowing it to be false, by which use another is defrauded or otherwise injured, shall be punished by imprisonment for not exceeding six months or by fine not exceeding two hundred dollars, or by both.

SECTION 482.—Every person who knowingly marks or stamps false or short weight or measure, or false tare, on any cask or package, or knowingly sells or offers for sale, any cask or package so marked, shall be punished by imprisonment for not exceeding six months or by fine not exceeding two hundred dollars, or by both.

SECTION 483.—In all sales of sugar, coal, and other commodities, usually sold by the ton or fractional parts

thereof, the seller must give to the purchaser full weight, and any person violating this section shall be punished by imprisonment for not exceeding six months or by fine not exceeding two hundred dollars, or by both.

SECTION 484.—In all sales of merchandise, wares, articles of food or drink or whatever else is purchased by weight or measure, the seller must give to the purchaser full weight or measure, and any person violating this section shall be punished by imprisonment not exceeding six months or by fine not exceeding two hundred dollars, or by both.

CHAPTER XI.

FRAUDULENT INSOLVENCIES BY CORPORATIONS, AND OTHER FRAUDS IN THEIR MANAGEMENT.

SECTION 485.—Every person who signs the name of a fictitious person to any subscription for or agreement to take stock in any corporation existing or proposed, and every person who signs to any subscription or agreement the name of any person, knowing that such person has not means or does not intend in good faith to comply with all the terms thereof, or under any understanding or agreement that the terms of such subscription or agreement are not to be complied with or enforced, is guilty of a misdemeanor.

SECTION 486.—Every officer, agent, or clerk of any corporation, or of any persons proposing to organize a corporation, or to increase the capital stock of any corporation, who knowingly exhibits any false, forged, or altered book, paper, voucher, security or other instrument of evidence, to any public officer or board authorized by law to examine the organization of such

corporation, or to investigate its affairs, or to be allowed an increase of its capital, with intent to deceive such officer or board in respect thereto, is punishable by imprisonment in the penitentiary not less than three nor more than ten years.

SECTION 487.—Every person who, without being authorized so to do, subscribes the name of another to or inserts the name of another in any prospectus, circular, or other advertisement or announcement of any corporation or joint-stock association, existing or intended to be formed, with intent to permit the same to be published, and thereby to lead persons to believe that the person whose name is so subscribed is an officer, agent, member, or promotor of such corporation or association, is guilty of a misdemeanor.

SECTION 488.—Every director of any stock corporation who concurs in any vote or act of the directors of such corporation or any of them, by which it is intended, either:

1.—To make any dividend, except from the surplus profits arising from the business of the corporation, and in the cases and manner allowed by law; or,

2.—To divide, withdraw, or in any manner, except as provided by law, pay to the stockholders, or any of them, any part of the capital stock of the corporation; or,

3.—To discount or receive any note or other evidence of debt in payment of any installment actually called in and required to be paid, or with the intent to provide the means of making such payment; or,

4.—To receive or discount any note or other evidence of debt, with the intent to enable any stockholder to withdraw any part of the money paid in by him, or his stock; or,

5.—To receive from any other stock corporation, in exchange for the shares, notes, bonds, or other evidences of debt of their own corporation, shares of the capital stock of such other corporation, or notes, bonds, or other evidences of debt issued by such other corporation;

—is guilty of a misdemeanor.

SECTION 489.—Every officer, agent, teller, or clerk of any bank, and every individual banker, or agent, teller, or clerk of any individual banker, who receives any deposits, knowing that such bank, or association, or banker is insolvent, is guilty of a felony.

SECTION 490.—Every director, officer, or agent of any corporation or joint-stock association, who knowingly receives or possesses himself of any property of such corporation or association, otherwise than in payment of a just demand, and who, with intent to defraud, omits to make, or to cause to direct to be made, a full and true entry thereof in the books or accounts of such corporation or association, and every director, officer, agent or member of any corporation or joint-stock association who, with intent to defraud, destroys, alters, mutilates, or falsifies any of the books, papers, writings, or securities belonging to such corporation or association, or makes, or concurs in making, any false entries, or omits, or concurs in omitting to make any material entry in any book of accounts, or other record or document kept by such corporation or association, is punishable by imprisonment in the penitentiary not less than three nor more than ten years. or by imprisonment in jail not exceeding one year, and a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

SECTION 491.—Every director, officer, or agent of any corporation or joint-stock association, who knowingly

concurs in making, publishing, or posting any written report, exhibit, or statement of its affairs or pecuniary condition, or book or notice containing any material statement which is false, or refuses to make any book or post any notice required by law, other than such as are mentioned in this chapter, is guilty of a felony.

SECTION 492.—Every officer or agent of any corporation, having or keeping an office within Porto Rico, who has in his custody or control any book, paper, or document of such corporation, and who refuses to give to a stockholder or member of such corporation, lawfully demanding, during office hours, to inspect or take a copy of the same, or of any part thereof, a reasonable opportunity so to do, is guilty of a misdemeanor.

SECTION 493.—Every officer, agent, or stockholder of any railroad company, or other incorporated company, who knowingly assents to, or has any agency in contracting any debt by or on behalf of such company, unauthorized by a special law for the purpose, the amount of which debt, with other debts of the company, exceeds its available means for the payment of its debts in its possession, under its control, and belonging to it at the time such debt is contracted, including its bona fide and available stock subscriptions, and exclusive of its real estate, is guilty of a misdemeanor. (1).

SECTION 494.—The preceding section does not affect the validity of a debt created in violation of its provisions, as against the company.

SECTION 495.—Every director of a corporation or joint stock association is deemed to possess such a knowledge of the affairs of his corporation as to enable

(1) Offenses defined. This section defines two or more offenses—one being a concurrence by an officer of a corporation in making a false statement, and the other a concurrence in its publication.

him to determine whether any act, proceeding, or omission of its the directors is a violation of this Chapter.

SECTION 496.—Every director of a corporation or joint-stock association, who is present at a meeting of the directors at which any act, proceeding, or omission of such directors, in violation of this Chapter, occurs, is deemed to have concurred therein, unless he at the time causes, or in writing requires, his dissent therefrom to be entered in the minutes of the directors.

SECTION 497.—Every director of a corporation or joint-stock association, although not present at a meeting of the directors at which any act, proceeding or omission of such directors, in violation of this Chapter, occurs, is deemed to have concurred therein, if the facts constituting such violation appear on the records or minutes of the proceedings of the board of directors, and he remains a director of the same company for six months thereafter, and does not within that time cause, or in writing require, his dissent from such illegality to be entered in the minutes of the directors.

SECTION 498.—It is no defense to a prosecution for a violation of the provisions of this Chapter, that the corporation was one created by the laws of any State, government, or country, if it was one carrying on business or keeping an office therefor within Porto Rico.

SECTION 499.—The term "director", as used in this Chapter, embraces any of the persons having by law the direction or management of the affairs of a corporation, by whatever name such persons are described in its charter or known by law.

CHAPTER XII.

FRAUDULENT ISSUE OF DOCUMENTS OF TITLE TO MERCHANDISE.

SECTION 500.—Every person, being the master, owner, or agent of any vessel, or officer or agent of any railroad, express, or transportation company, or otherwise being or representing any carrier, who delivers any bill of lading, receipt, or other voucher, by which it appears that any merchandise of any description has been shipped on board any vessel, or delivered to any railroad, express or transportation company, or other carrier, unless the same has been so shipped or delivered, and is at the time actually under the control of such carrier, or the master, owner, or agent of such vessel, or of some officer or agent of such company, to be forwarded as expressed in such bill of landing, receipt, or voucher, is punishable by imprisonment in the penitentiary not exceeding five years, or by a fine not exceeding one thousand dollars, or both.

SECTION 501.—Every person carrying on the business of a warehouseman, wharfinger, or other depositary of property, who issues any receipt, bill of lading, or other voucher for any merchandise of any description, which has not been actually received upon the premises of such person, and is not under his actual control at the time of issuing such instrument, whether such instrument is issued to a person as being the owner of such merchandise, or as security for any indebtedness, is punishable by imprisonment in the penitentiary not exceeding five years, or by a fine not exceeding one thousand dollars, or both.

SECTION 502.—No person can be convicted of an offense under the two preceding sections by reason that the contents of any barrel, box, case, cask, or other ves-

sel or package mentioned in the bill of lading, receipt, or other voucher, did not correspond with the description given in such instrument of the merchandise received, if such description corresponded substantially with the marks, labels, or brands upon the outside of such vessel, or package, unless it appears that the accused knew that such marks, labels, or brands, were untrue.

SECTION 503.—Every person mentioned in this Chapter, who issues any second or duplicate receipt or voucher, of a kind specified therein, at a time while any former receipt or voucher for the merchandise specified in such second receipt is outstanding and uncanceled, without writing across the face of the same the word "duplicate," in a plain and legible manner, is punishable by imprisonment in the penitentiary not exceeding five years, or by a fine not exceeding one thousand dollars or both.

SECTION 504 —Every person mentioned in this Chapter, who sells, hypothecates, or pledges any merchandise for which any bill of lading, receipt, or voucher has been issued by him, without the consent in writing thereto of the person holding such bill, receipt, or voucher, is punishable by imprisonment in the penitentiary not exceeding five years, or by a fine not exceeding one thousand dollars, or both.

SECTION 505.—The two preceding sections do not apply where property is demanded or sold by virtue of process of law.

CHAPTER XIII.

MALICIOUS INJURIES TO RAILROAD BRIDGES, HIGHWAYS, BRIDGES,
AND TELEGRAPHS.

SECTION 506.—Every person who maliciously, either:

1.—Removes, displaces, injures, or destroys any part of any railroad, whether for steam or other power, or any track of any railroad, or any branch or branchway, switch, turnout, bridge, viaduct, culvert, embankment, station-house, or other structure or fixture, or any part thereof, attached to or connected with any railroad; or,

2.—Places any obstruction upon the rails or track of any railroad, or of any switch, branch, branchway, or turnout connected with any railroad;

—is punishable by imprisonment in the penitentiary not exceeding five years, or in jail not less than six months.

SECTION 507.—Every person who maliciously digs up, removes, displaces, breaks, or otherwise injures or destroys any public highway or bridge, or any private way laid out by authority of law, or bridge upon such highway or private way, is punishable by imprisonment in the penitentiary not exceeding five years, or in jail not exceeding one year.

SECTION 508.—Every person who maliciously removes or injures any mile-board, post, or stone, or guide-post, or any inscription on such, erected upon any highway, is guilty of a misdemeanor.

SECTION 509.—Every person who maliciously takes down, removes, injures, or obstructs any line of telegraph or telephone, or any part thereof, or appurtenances or apparatus connected therewith, or severs any wires thereof, is guilty of a misdemeanor.

SECTION 510.—Every person who shall without authority of the owner or managing agent, and with intent to defraud, take water from any canal, ditch, flume, or reservoir, used for the purpose of holding or conveying water for manufacturing, agricultural, irrigating, or generation of power for domestic uses, or who shall, without like authority, raise, lower or otherwise disturb any gate or other apparatus thereof used for the control or measurement of water, or who shall empty or place, or caused to be emptied or place into any such canal, ditch, flume or reservoir, any rubbish, filth, or obstruction to the free flow of the water, is guilty of a misdemeanor.

CHAPTER XIV.

MALICIOUS MISCHIEF.

SECTION 511.—Every person who maliciously injures or destroys any real or personal property not his own, in cases otherwise than such as are specified in this Code, is guilty of a misdemeanor,

SECTION 512.—The specification of the acts enumerated in the following sections of this Chapter is not intended to restrict or qualify the interpretation of the preceding section.

SECTION 513.—Every persons who wilfully administers any poison to an animal, the property of another, or maliciously exposes any poisonous substance, with the intent that the same shall be taken or swallowed by any such animal, is punishable by imprisonment in the penitentiary not exceeding three years, or in jail not exceeding one year, and a fine not exceeding five hundred dollars.

SECTION 514.—Every person who maliciously kills, maims, or wounds an animal, the property of another,

or who maliciously and cruelly beats, tortures or injures any animal, whether belonging to himself or another, is guilty of misdemeanor.

SECTION 515.—Every person who, within any public park, plaza or highway, kills, wounds, or traps any bird, or destroys any bird's nest, or removes any eggs or young birds from any nest, is guilty of a misdemeanor.

SECTION 516.—Every person who maliciously by the explosion of gunpowder or other explosive substance, destroys, throws down, or injures the whole or any part of any building, by means of which the life or safety of a human being is endangered, is guilty of felony.

SECTION 517.—Every person who wilfully commits any trespass by either:

1.—Cutting down, destroying, or injuring any kind of wood or timber standing or growing upon the lands of another, or upon public lands; or,

2.—Carrying away any kind of wood or timber lying on such lands; or,

3.—Maliciously injures or destroys any standing crops, fruits or vegetables, the property of another, in any case for which a punishment is not otherwise prescribed by this Code; or,

4.—Digging, taking, or carrying away from any lot situated within the limits of any municipality, without the license of the owner or legal occupant thereof, any earth, soil, or stone; or,

5.—Digging, taking, or carrying away from any land in any of the municipalities, recognized or established as a street, alley, avenue, or park, without the license of the proper authorities, any earth, soil or stone; or,

6.—Putting up, affixing, fastening, printing, or pain-

ting upon any property belonging to the government or municipality, city, village, or dedicated to the public, or upon any property of any person, without license from the owner, any notice, advertisement, or designation of, or any name for any commodity, whether for sale or otherwise, or any picture, sign, or device intended to call attention thereto, is guilty of misdemeanor.

SECTION 518.—Any person passing through an enclosure of another and leaving the same open is guilty of a misdemeanor and punishable by a fine not more than fifty dollars.

SECTION 519.—Any person wilfully or maliciously throwing down a fence to make passage through an enclosure, is guilty of a misdemeanor, and punishable by a fine of not more than three hundred dollars.

SECTION 520.—Every person who either:

1.—Maliciously removes any monument erected for the purpose of designating any point in the boundary of any lot or tract of land, or a place where a subaqueous telegraph cable lies; or,

2.—Maliciously defaces or alters the marks upon any such monument; or,

3.—Maliciously cuts down or removes any tree upon which any such marks have been made for such purpose, with intent to destroy such marks;

—is guilty of a misdemeanor.

SECTION 521.—Every person who wilfully and intentionally breaks down, pulls down, or otherwise destroys or injures any public jail or other place of confinement, is punishable by fine not exceeding ten thousand dollars, and by imprisonment in the penitentiary not exceeding five years.

SECTION 522.—Every person who wilfully and maliciously cuts, breaks, injures, or destroys any bridge,

dam, canal, flume, aqueduct, levee, embankment reservoir, or other structure erected to create hydraulic power, or to drain or reclaim any swamp and overflowed tide or marsh land, or to store or conduct water for agricultural or other purposes, or for the supply of the inhabitants of any city or town, or any embankment necessary to the same, or either of them, or wilfully or maliciously makes or causes to be made, any aperture in such dam, canal, flume, aqueduct, reservoir, embankment, levee, or structure, with intent to injure or destroy the same, or draws up, cuts, or injures any piles fixed in the ground for the purpose of securing any sea-bank, or sea-walls, or any dock, quay, or jetty, lock or sea-wall, is guilty of a misdemeanor, and upon conviction, punishable by a fine not less than one hundred dollars and not exceeding one thousand dollars, or by imprisonment in jail not exceeding two years, or by both.

SECTION 523.—Every person who unlawfully masks, alters, or removes any light or signal, or wilfully exhibits any light or signal, with intent to bring any vessel into danger, is punishable by imprisonment in the penitentiary not less than five nor more than twenty years.

SECTION 524.—Every person who unlawfully obstructs the navigation of any navigable stream, is guilty of a misdemeanor.

SECTION 525.—Every person who, within the anchorage of any port, harbor, or cove, into which vessels may enter for the purpose of receiving or discharging cargo, throws overboard from any vessel the ballast, or any part thereof, or who otherwise places or causes to be placed in such port, harbor, or cove, any obstructions to the navigation thereof, is guilty of a misdemeanor.

SECTION 526.—Any person or persons who shall moor any vessel or boat of any kind, or any raft or scow to any buoy or beacon placed in the water within the jurisdiction of Porto Rico, by the authority of Porto Rico or the United States Light House Board, or shall in any manner hang on to the same with any vessel, boat, raft or scow, or shall wilfully, remove, damage, or destroy any such buoy or beacon or any part of the same, or shall cut down, remove, damage or destroy any beacon or beacons erected or located within the jurisdiction of Porto Rico, shall for such offense be be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction be punished by a fine not exceeding five thousand dollars or by imprisonment in jail not exceeding three years, or by both such fine and imprisonment in the discretion of the court.

The cost of repairing or replacing any such beacon, which may have been misplaced, damaged or destroyed, shall, when said cost shall have been legally ascertained, be a lien upon such vessel, boat, raft or scow.

SECTION 527.—Every person who wilfully injures, defaces, or removes any signal, monument, building, or appurtenance thereto, placed, erected, or use by persons engaged in the United States Coast Survey, is guilty of a misdemeanor.

SECTION 528.—Every person who intentionally defaces, obliterates, tears down, or destroys any copy or transcript, or extract from or of any law of the United States or of Porto Rico, or any proclamation, advertisement, or notification set up at any place in Porto Rico, by authority of any law of the United States or of Porto Rico, or by order of any court, before the expiration of the time for which the same was to remain set up, is

punishable by fine not less than twenty nor more than one hundred dollars, or by imprisonment in jail not more than one month.

SECTION 529.—Every person who maliciously mutilates, tears, defaces, obliterates, or destroys any written instrument, the property of another, the false making of which would be forgery, is punishable by imprisonment in the penitentiary for not less than one nor more than five years.

SECTION 530.—Every person who wilfully opens or reads, or causes to be read, any sealed letter not addressed to himself, without being authorized to do so, either by the writer of such letter or by the person to whom it is addressed, and every person who, without the like authority, publishes any of the contents of such letter, knowing the same to have been unlawfully opened, is guilty of a misdemeanor.

SECTION 531.—Every person, not the owner thereof, who wilfully injures, disfigures or destroys any monument, work of art, or useful or ornamental improvement within the limits of any village, or city or any shade-tree or ornamental plant growing therein, whether situated upon private ground or on any street, sidewalk, or public park or place, is guilty of a misdemeanor.

SECTION 532.—Every person who wilfully breaks, digs up, obstructs, or injures any pipe, or main for conducting gas or water, or any works erected for supplying building with gas or water, or any appurtenances or appendages therewith connected, is guilty of a misdemeanor.

CHAPTER XV.

OFFENSES AGAINST THE TELEGRAPH SERVICE.

SECTION 533.—Every agent, operator, or employee of any telegraph, cable or telephone office, who wilfully refuses or neglects to send any message received at such office for transmission, or wilfully postpones the same out of its order, or wilfully refuses or neglects to deliver any message received by telegraph, cable or telephone, is guilty of a misdemeanor. Nothing herein contained shall be construed to require any message to be received, transmitted or delivered, unless the charges thereon have been paid or tendered, nor to require the sending, receiving, or delivery of any message counseling, aiding, abetting, or encouraging treason, or other resistance to the lawful authority, or any message calculated to further any fraudulent plan or purpose, or to instigate or encourage the perpetration of any unlawful act, or to facilitate the escape of any criminal or person accused of crime.

SECTION 534.—Every agent, operator, or employee of any telegraph or cable office, who in any way uses or appropriates any information derived by him from any private message passing through his hands, and addressed to any other person, or in any other manner acquired by him by reason of his trust as such agent, operator or employee, or trades or speculates upon any such information so obtained, or in any manner turns, or attempts to turn the same to his own account, profit, or advantage, is punishable by imprisonment in the penitentiary not exceeding five years, or by imprisonment in jail not exceeding one year, or by fine not exceeding five thousand dollars, or by both such fine and imprisonment.

SECTION 535.—Every person who by means of any machine, instrument, or contrivance, or in any other manner, wilfully and fraudulently reads, or attempts to read, any message, or to learn the contents thereof, whilst the same is being sent over any telegraph line, or wilfully and fraudulently, or clandestinely, learns or attempts to learn the contents or meaning of any message, while the same is in any telegraph or cable office, or is being received thereat or sent therefrom, or who uses or attempts to use, or communicates to others, any information so obtained, is punishable as provided in Section 534.

SECTION 536.—Every person who, by the payment or promise of any bribe, inducement, or reward, procures or attempts to procure any telegraph or cable agent, operator, or employee to disclose any private message, or the contents, purport, substance, or meaning thereof, or offers to any such agent, operator, or employee any bribe, compensation, or reward for the disclosure of any private information received by him by reason of his trust as such agent, operator, or employee, or uses or attempts to use any such information so obtained, is punishable as provided in Section 534.

SECTION 537.—Every person who wilfully discloses the contents of any telegraphic or cable message, or any part thereof, addressed to another person, without the permission of such person, unless directed so to do by the lawful order of a court, is punishable by imprisonment in the penitentiary not exceeding five years, or in jail not exceeding one year, or by fine not exceeding five thousand dollars, or by both fine and imprisonment.

SECTION 538.—Every person who wilfully alters the purport, effect, or meaning of a telegraphic or cable

message to the injury of another, is punishable as provided in the preceding section.

SECTION 539.—Every person not connected with any telegraph or cable office who, without the authority or consent of the person to whom the same may be directed, wilfully opens any sealed envelope inclosing a telegraphic or cable message and addressed to any other person, with the purpose of learning the contents of such message, or who fraudulently represents any other person, and thereby procures to be delivered to himself any telegraphic or cable message, addressed to such other person, with the intent to use, destroy, or detain the same from the person or persons entitled to receive such message, is punishable as provided in Section 537.

TITLE XVIII.

CONCEALED WEAPONS.

SECTION 540.—No person shall have or carry a firearm or carry ready for use any other weapon in the island of Porto Rico in or upon any public place, road, highway, street or store, cafe, dwelling or tenement of land not his own, or have a loaded firearm in any place inhabited or occupied by him, except as shall be permitted and provided for in this Title. The words "public place" as used herein shall extend to and include any place where three or more person are met together.

SECTION 541.—The prohibition contained in the foregoing section shall not apply to the possession of firearms by any person when engaged in the performance of his duties:

(1) When engaged in the military or naval service of the United States or militia of Porto Rico;

(2) In the insular police or any municipal police force;

(3) Engaged in carrying the mails, or employed as or by a common carrier of passengers or merchandise;

(4) A United States marshal, or deputy marshal the marshal of the Supreme Court, or any other court officer charged with the execution of any judicial writ or process:

(5) Collectors of internal revenues and duly appointed internal revenue agents and sub-agents;

(6) Persons charged with the custody as watchmen or keepers of insular or municipal property or funds, carrying a written authorization from a competent authority to act as such;

SECTION 542.—All other persons desiring to carry fire-arms abroad loaded or unloaded, for any proper purpose or special protection, or authority to arm a watchman or overseer of an estate, plantation, factory warehouse, dock or pier, shall make application for a permit to the Treasurer. Such application shall state the full name, age, residence and occupation of the applicant, set forth fully the reasons on which the application for the permit is based, and if it is for a person employed to watch or protect private property, shall describe the nature and situation of such property and specify the name of such watchman. The Treasurer shall make, or cause to be made an investigation into the said application, and when necessary may refer it through the usual police channels to the officer in command of the post of insular police nearest the residence of the applicant, for such information as may be required. The Treasurer

shall grant or refuse said application and shall notify the applicant of his action thereon. All fees for licenses paid hereunder shall be covered into the treasury and accounted for monthly to the Auditor.

SECTION 543.—A similar application shall be made by any person desiring to keep a loaded firearm upon the premise occupied by him as a dwelling, or as his place of business, for the purpose of protecting himself or his property, to the alcalde of the municipality in which such premises are situated. The alcalde shall thereupon, unless the applicant has been convited in any court of assaulting or threatening another with a firearm, issue such a permit upon payment of a license fee of five dollars (\$5.00) for the benefit of the municipal treasury provided the applicant dwells in an urban ward and one dollar (\$1.00) if he dwells in a rural ward. Such permits shall be written or printed, shall contain the name of the person to whom it is issued and the premises on which said firearm may be kept, and shall expressly state that it does not authorize the owner to carry the firearm or permit it to be carried away from his said residence or place of business.

SECTION 544.—All applications for license or permits under the two foregoing sections must be endorsed by two reputable taxpayers, who shall certify that the applicant is personally known to them and that such a license or permit may be issued to him with safety and propriety.

SECTION 545.—Permits to hunt with firearms, upon the public lands of the island of Porto Rico or of the lands of private ownership but without prejudice to the rights of the owners, may be issued by the Treasurer upon application made directly to him and upon his favorable endorsement of the said application.

SECTION 546.—All licenses and permits issued under the provisions of this Title shall authorize the person to whom the license is issued to have, use or carry a firearm for the purposes named therein from the date of such license to and including the fifteenth day of June next following the date upon which the license is issued. Such permits or licenses shall not be transferable and shall be issued to one person only, except that a firm or corporation may obtain a license authorizing it to arm a watchman or overseer of premises owned or leased by it.

SECTION 547.—The license fees for permits issued by the Treasurer under the provisions of this Title shall be as follows: For every permit issued to carry a firearm abroad, five dollars (\$5.00); for every permit authorizing an overseer or watchman engaged by a private employer, ten dollars (\$10.00) for each watchman or overseer so authorized to carry a firearm; for each hunting permit, five dollars (5.00). The Treasurer shall keep a record of all licenses issued by him with the name and residence of the persons to whom they are issued and the date and serial number thereof, and shall publish monthly in the Official Gazette a list of all licenses issued by him during the preceding month.

SECTION 548.—No person shall carry abroad in the island of Porto Rico any stiletto, metal knuckles, dagger, poignard, sword cane, or other sharp or pointed instrument, or slung shot, or carry concealed on his person either of the foregoing or any other weapon. The term "abroad" as used in this Title shall be held to mean away from the home or place of business or habitual dwelling place of the owner. *Provided*, however, that the prohibition of this section shall not apply to ordinary folding pocket knives having blades less than

three inches in length; and to the ordinary tools and implements of trade, including the instrument known as the machete, solely when used or necessarily carried for the purpose of cutting grass, cane, wood or timber or for any other purpose legitimately incident to the occupation of the owner; but the clause last foregoing shall exempt from the penalty hereinafter prescribed only when the weapon is carried at the precise time as a necessary instrument to a legitimate occupation.

SECTION 549.—Infractions of the prohibitions of this Title shall be punished as follows: Any person who shall have a loaded firearm in his house or place of business without the alcalde's permit provided for in Section 543, shall be punished by a fine of five dollars (\$5.00) or an imprisonment of ten days in the municipal jail, in the discretion of the police judge. Any person who shall have, use or carry a firearm abroad, except he shall be included in one of the provisions of Section 541, or shall have obtained a license therefor from the Treasurer of Porto Rico, shall be fined from five (\$5.00) to fifteen dollars (\$15.00), or imprisonment for not less than thirty days, or both fined and imprisonment in the discretion of the police judge. Any person who carries abroad any other weapon in violation of Section 548 shall be punished by a fine of not more than fifteen dollars (\$15.00) or imprisoned not exceeding thirty (30) days, or both fined and imprisoned in the discretion of the police judge.

SECTION 550.—The police judge of the place where the violation occurs or the offender is apprehended shall have jurisdiction of prosecutions under this Title. Complaints may be made by any officer of police or by any other person having knowledge of the fact. It shall be the duty of any police officer to arrest any person carrying a firearm or weapon in violation of the provisions

of this Title, and in addition to the fine or imprisonment imposed under Section 549, the police judge may declare the firearm or other weapon forfeited. Weapons seized or forfeited under this provision shall be sold under the order of the alcalde of the town in which the court is held and the proceeds shall be paid into the municipal treasury.

SECTION 551.—It shall be unlawful for any police officer to search any citizen engaged in the orderly and peaceful pursuit of his avocation for the purpose of seizing any firearm or weapon included in the terms of this Title. It shall be lawful, however, to make such a search upon the person of any person who is guilty of or is threatening a breach of the peace or any person who is intoxicated or disorderly. Penalties for infractions of this Title imposed upon intoxicated and disorderly persons shall be in addition to the penalties incurred for such intoxication or disorderly conduct.

SECTION 552.—General Orders 180 of 1899, 225 of 1899, and 31 and 65 of 1900, and all laws and royal decrees, or parts thereof, which shall be in conflict herewith, are hereby repealed.

TITLE XIX.

SUNDAY CLOSING.

SECTION 553.—That on every Sunday commercial and industrial establishments, excepting public markets, pharmacies, bakeries, hotels, restaurants, cafes, and places where refreshments only are served, excepting also public and quasi-public utilities and works of emergency, necessary to prevent unusual and serious financial loss, shall remain closed and do no business whatever after twelve o'clock noon. This prohibition shall not, however, extend to theaters and other places

devoted exclusively to amusements or to charitable purposes; at all such places it shall be lawful to work at any hour on Sunday, but only in aid of such charitable purposes or amusements.

SECTION 554.—The municipal council of any municipality may, by ordinance, require commercial and industrial establishments, including those excepted in Section 553, or any of them, to remain closed at all hours on Sunday, excepting the works of emergency therein mentioned.

SECTION 555.—In case of disorder on Sunday in any establishment herein, excepted from the provisions hereof, or excepted in any municipal ordinance enacted under the authority hereof, the alcalde may order said establishment to be closed forthwith during the remainder of the day on which the disorder occurs; and in case of a repetition in the same establishment of disorder on any other Sunday, the alcalde may direct such establishment to be closed on Sunday for a period not exceeding three months; and in case of each subsequent offense in the same establishment, the alcalde may order it to be closed on Sunday for a period not exceeding one year.

SECTION 556.—Any person, firm or corporation violating the provisions of this Title, or any part thereof, or of an order issued by an alcalde, or ordinance passed by a municipal council under the authority of this Title, shall be fined in the police court for the first offense in a sum which shall not be less than five dollars (\$5.00) nor exceed ten dollars (\$10.00); and for a subsequent offense, in a sum which shall not be less than ten dollars, (\$10.00) nor exceed twenty-five dollars (\$25.00). And for this purpose, the police courts shall have jurisdiction to impose the fines herein provided; and in all cases in

which the fine imposed shall exceed, excluding costs, the sum of ten dollars (\$10.00), an appeal may be taken to the proper District Court in the manner provided by law for other appeals from the police courts. In default of the payment of any fine imposed hereunder within three days after the judgment shall have been entered or the appeal dismissed, the person convicted shall pay the said fine by imprisonment in the municipal jail, or in any other penal institution, at the rate of one day for each half dollar of said fine remaining unpaid.

SECTION 557.—All laws, decrees or orders, or parts of laws, decrees or orders, in conflict with this Title are hereby repealed.

TITLE XX.

FINAL PROVISIONS.

SECTION 558.—No act or omission commenced after twelve o'clock noon, of the day on which this Code takes effect as a law, is criminal or punishable, except as prescribed or authorized by this Code.

Any act or omission commenced prior to the establishment of this Code, may be inquired of, prosecuted and punished in the same manner as if this Code had not been passed.

SECTION 559.—Words used in this Code in the present tense include the future as well as the present; words used in the masculine gender shall be held to include all genders, except where such construction would be absurd or unreasonable; the singular number includes the plural, and the plural the singular; the word "person" includes a corporation as well as a natural person; writing includes printing; oath includes affirmation or declaration; and every mode of oral state-

ment under oath or affirmation is embraced by the term "testify," and every written one in the term "depose;" signature or subscription includes mark, when the cannot write, his name being written near it, and witnessed by a person who writes his own name as a witness. The following words, also, have in this Code the signification attached to them in this section, unless otherwise apparent from the context:

First.—The word "wilfully," when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act, or make the omission referred to.

Second.—The words "neglect," "negligence," "negligent," and "negligently," import a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concerns.

Thirt.—The word "corruptly" imports a wrongful design to acquire or cause some pecuniary or other advantage to the person guilty of the act or omission referred to, or to some other person.

Fourth.—The words "malice" and "maliciously" import the doing of a wrongful act, intentionally, without just cause or excuse, a conscious violation of the law to the prejudice of another.

Fifth.—The word "knowingly" imports a personal knowledge. It does not require any knowledge of the unlawfulness of such an act or omission.

Sixth.—The word "bribe" signifies anything of value or advantage, present or prospective, or any promise or undertaking to give any, asked, given, or accepted, with a corrupt intent to influence, unlawfully, the person to whom it is given, in his action, vote, or opinion, in any public or official capacity.

Seventh.—The word “vessel,” when used with reference to shipping, includes ships of all kinds, steam-boats, barges, and every structure adapted to be navigated from place to place for the transportation of merchandise or persons.

Eighth.—The word “property” includes both real and personal property.

Ninth.—The words “real property” are co-extensive with lands, and whatever is erected, or growing upon or fixed to the land.

Tenth.—The words “personal property” include money, goods, chattels, things in action, and evidences of debt.

Eleventh.—The word “year,” as used in this Code, means a calendar year; the word “month” means a calendar month, unless otherwise expressed.

Twelfth.—The word “will” includes codicils.

Thirteenth.—The word “writ” signifies an order or precept in writing, issued in the name of the people, or of a court or judicial officer, and the word “process” a writ or summons issued in the course of judicial proceedings.

Fourteenth.—Words and phrases must be construed according to the context and the approved usage of the language.

Fifteenth.—Words giving a joint authority to three or more public officers or other persons, are construed as giving such authority to a majority of them, unless it be otherwise expressed in the act giving the authority.


Sixteenth.—When the seal of a court or public officer is required by law to be affixed to any paper, the word “seal” includes an impression of such seal upon the paper alone, or upon any substance attached to the

paper capable of receiving a visible impression. The seal of a private person may be made in like manner, or by the scroll of a pen, or by writting the word "seal" against his name.

SECTION 560.—The Penal Code, Royal Decrees, Orders and Military Orders in force in Porto Rico, in so far as the same relate or refer to crimes and are inconsistent or in conflict herewith, and all other laws, orders, decrees and acts inconsistent or in conflict with this Code, are hereby repealed.

This Code shall take effect at 12 o'clock noon on the 1st day of July, nineteen hundred and two.

Approved, March 1, 1902.





CODE OF CRIMINAL PROCEDURE.



CRIMINAL PROCEDURE.

AN ACT TO ESTABLISH A CODE OF CRIMINAL PROCEDURE FOR PORTO RICO.

Be it enacted by the Legislative Assembly of Porto Rico:

TITLE OF THE ACT.

SECTION 1.—That this Act shall be known as the
“Code of Criminal Procedure of Porto Rico.”

GENERAL PROVISIONS.

SECTION 2.—No person can be punished for an offense except upon a legal conviction in a court having jurisdiction thereof.

The conviction may be had: 1. By verdict of a jury; 2. On confession by defendant in open court; 3. By judgment of an authorized court in certain cases, without confession, or without the verdict of a jury. In cases involving capital punishment the verdict must be by a jury.

SECTION 3.—Every offense of which the District Court has jurisdiction must be prosecuted by information filed by the prosecuting attorney in open court, verified by his affidavit that the information is based upon testimony of witnesses sworn before him; except cases that are triable before justices of the peace, when appealed to the District Court shall be tried on the

original complaint and warrant. In such cases the trial shall be "de novo".

SECTION 4.—The proceedings by which a party charged with a public offense is accused and brought to trial and punishment is known as a "criminal action."

SECTION 5.—A criminal action is prosecuted in the name of "The People of Porto Rico," as a party against the person charged with the offense.

SECTION 6.—No person can be subjected to a second prosecution for a public offense for which he has once been prosecuted and convicted or acquitted.

SECTION 7.—No person can be compelled, in a criminal action, to be a witness against himself; nor can a person charged with a public offense be subjected, before conviction, to any more restraint than is necessary for his detention to answer the charge.

SECTION 8.—The jurisdiction of an offense shall be in the District Court of the district where the offense has been committed,

SECTION 9.—Every person is liable to punishment by the law of Porto Rico for an offense committed by him therein, except where it is by law cognizable by the courts of the United States.

SECTION 10.—The party prosecuted in a criminal action is designated in this Code as the "defendant."

SECTION 11.—In a criminal action the defendant is entitled:

- 1.—To a speedy and public trial.
- 2.—To be allowed counsel, or to appear and defend in person and with counsel.
- 3.—To produce witnesses on his behalf.
- 4.—To be confronted with the witnesses against him in the presence of the court, except that where the charge has been preliminarily examined before a

prosecuting attorney or a justice of the peace; or where the testimony or a witness on the part of the people, who is unable to give security for his appearance, has been taken in the presence of the defendant, who has, either in person or by counsel, cross-examined or had an opportunity to cross-examine the witness, the deposition of such witness may be read, upon its being satisfactorily shown to the court that he is dead or insane, or cannot with due diligence be found within Porto Rico.

The examination of witnesses by the prosecuting attorney, as provided for in Section three must be in private, and he shall not interrogate witnesses produced for the defendant except during the public trial.

SECTION 12.—A magistrate is an officer having power to issue a warrant for the arrest of a person charged with a public offense.

SECTION 13.—The following persons are magistrates:

- 1.—The justices of the Supreme Court.
- 2.—The judges of District Court.
- 3.—Justices of the peace.
- 4.—Prosecuting attorneys.

TITLE I.

JUSTICES OF THE PEACE.

SECTION 14.—After the thirtieth day of June, 1902, the several police courts of the Island shall be abolished, and the Governor, by and with the advice and consent of the Executive Council, shall appoint as many justices of the peace in the judicial districts of Porto Rico as he may deem expedient. The justices of the peace so appointed shall have jurisdiction in all cases in which by law jurisdiction is now exercised by police

judges, and such other duties as are herein provided. They shall receive no fees or perquisites of any kind whatsoever except salary, which is hereby fixed as follows:

For San Juan, Ponce, Mayagüez and Arecibo \$100 per month, and for all other places \$50 per month. There shall be appointed for the cities of San Juan and Ponce not more than two justices of the peace, and for all other cities or villages wherein there exist municipal tribunals, not more than one justice of the peace shall be appointed in the place thereof. Said justices of the peace to receive their salary, payable monthly, out of the municipal treasury.

SECTION 15.—There shall also be a secretary to each justice of the peace. He shall be appointed by the justice of the peace and shall hold his office at the pleasure of said justice of the peace who appointed him. The secretary shall have power, concurrent with the justice of the peace to receive complaints on which warrants for the arrest of persons charged with the commission of a crime may be issued by the said justice of the peace. He shall also have power to issue and sign subpoenas, to administer oaths to witnesses, and to make and sign commitments and certificates of conviction when ordered by the justice of the peace, and to certify to and sign copies thereof for the execution of any judgment rendered by the justice of the peace.

The secretary shall be paid an annual salary, payable monthly, out of the municipal treasury as follows:

The secretaries to the justices of the peace at San Juan, Ponce, Mayagüez and Arecibo \$600, and the secretaries to all other justices of the peace shall receive \$360, per annum, payable monthly, and they shall re-

ceive no other compensation by reason of their said official duty.

SECTION 16.—A justice of the peace may conduct the proceedings of any other justice of the peace of the same district or city, upon inability to act, sickness, or any other cause. In such cases the proper entry of the proceedings of such justice of the peace, so acting, shall be made in the docket of the justice of the peace for whom he so acts.

SECTION 17.—The term of office of justices of the peace shall be for two years from the first Monday in April after appointment. The justices of the peace, with the approval of the Attorney General, may appoint their substitutes.

SECTION 18.—Any justice of the peace or secretary who shall fail to discharge any of the duties imposed by law shall be guilty of a misdemeanor. Any justice of the peace, or secretary, who shall neglect or refuse to pay over to the proper authority any fines or moneys collected by them, or which may come into their possession by virtue of this law shall be guilty of a felony.

SECTION 19.—Any vacancy which may occur in the office of the justice of the peace shall be filled by the Governor upon the recommendation of the Attorney General in accordance with Section 14.

SECTION 20.—Justices of the peace shall have original jurisdiction in all cases of misdemeanors wherein the fine that may be imposed would not exceed two hundred and fifty dollars or when the imprisonment in jail would not exceed six months. They shall have jurisdiction with the District Court in cases of violation of municipal and police ordinances.

SECTION 21.—All proceedings before justices of the peace shall be public.

SECTION 22.—Before a warrant shall issue in any case a complaint must be made by affidavit of the complaining witness, written by the justice of the peace or his secretary, clearly charging therein the offense committed, and such affidavit must be signed by said complaining witness.

SECTION 23.—Every affidavit shall contain as particularly as can be done the nature of the offense and the circumstances attending its commission. In cases of larceny it must recite as nearly as possible the particular description of the article or articles stolen and the value of each.

SECTION 24.—After a complaint has been made charging that an offense has been committed against the laws of Porto Rico, and the justice of the peace before whom said complaint was made is satisfied that the complaint contains an offense, he shall forthwith issue a warrant of arrest for the offending party, directed to any peace officer of said district, commanding the said peace officer to forthwith arrest the offender, and bring him before the said justice of the peace. The warrant shall set forth the offense charged, and the particulars as to time, place, person and property, so as to enable the defendant to understand the nature and character of such offense.

SECTION 25.—A warrant of arrest is an order in writing, in the name of The People of Porto Rico signed by a justice of the peace or other authority commanding the arrest of the defendant, and shall be substantially as follows;

“The People of Porto Rico” to..... peace
officer in district of.....against.....
.....defendant.

Complaint upon oath having been made by.....

.....on this..... day of..... before me..... justice of the peace, that the offense of (designating it generally) has been committed, and charging..... therewith, you are hereby commanded to arrest forthwith the above named..... and bring him before me at (naming the place) and thereof do not fail."

SECTION 26.—In the event that the offense charged against the person be a misdemeanor the defendant may be admitted to bail upon executing a bond in a sum to be fixed by the justice of the peace not exceeding five hundred dollars. Such bond shall be in favor of "The People of Porto Rico" upon condition that the defendant shall be and appear before said justice of the peace at a certain date therein mentioned; said bond shall be signed by the defendant and two or more good and sufficient sureties. The date of the appearance shall not be later than three days from the signing of the bond. Should the defendant fail to enter into such bond the said justice of the peace shall commit him to jail awaiting trial.

SECTION 27.—Whenever a person arrested charged with an offense cognizable by a justice submits himself to trial he shall give the names of his witnesses if he has any, their places of abode, and the justice shall forthwith issue summons for the same to testify in said cause. The summons shall state the day, hour, and place of trial, and if the witnesses fail to appear the justice of the peace shall have the power to issue an attachment for them, compelling their attendance. If after an examination as to the cause for non-appearance the justice is satisfied that the absence was intentional or the excuse offered was not a reasonable one, he shall have the power to fine the said witnesses for non-

attendance. The fine that may be imposed shall not exceed two dollars and fifty cents and in default thereof he shall commit the person fined to jail not exceeding five days.

SECTION 28.—When a defendant is put upon trial the witnesses having been summoned, the justice of the peace shall read the complaint to the defendant whereupon the defendant may plead to the same, which plea shall be “guilty” or “not guilty.” Should the defendant refuse to answer or plead to the same the justice shall enter a plea of not guilty, whereupon the said justice shall examine witnesses to determine from the evidence whether the defendant be guilty or not guilty. Should the defendant plead guilty the justice of the peace shall after hearing testimony enough to determine the gravity of the offense, within twenty-four hours thereafter render his decision as to the amount of punishment to be inflicted.

SECTION 29.—After having heard the charge, if the defendant plead “not guilty” the justice shall proceed as follows:

First.—He shall examine under oath the witnesses for the prosecution. The oath shall be as follows: “You do solemnly swear before Almighty God that you will tell the truth and nothing but the truth in the matter now pending before me.”

Second.—He shall examine under oath the witnesses for the defendant, including the defendant himself if he wishes to testify; if the defendant does not testify that fact cannot be used against him.

Third.—Witnesses for the prosecution may be called to rebut any testimony given by the defendant or his witnesses and for no other purpose.

Fourth.—The justice of the peace shall then con-

sider the evidence, and within twenty-four hours thereafter render his decision. The trial must be had and a decision rendered in the presence of the defendant. When a decision is in favor of the defendant by acquitting him of the charge he shall be at once released. Should the decision be that the defendant is guilty the justice of the peace shall within the time limit, fine or commit the defendant to jail, or both, as the case may be.

SECTION 30.—A private person who has arrested another for the commission of an offense must, without unnecessary delay, take the person arrested before a justice of the peace, or deliver him to a peace officer.

SECTION 31.—An officer making an arrest, in obedience to a warrant, must proceed with the person arrested as commanded by the warrant, or as provided by law.

SECTION 32.—When an arrest is made without a warrant by a peace officer or private person, the person arrested must be taken without unnecessary delay, before the nearest or most accessible justice of the peace in the district in which the arrest is made, and a complaint stating the charge against the person arrested shall be made before such justice of the peace at once.

SECTION 33.—If the offense charged is a felony, the officer making the arrest must take the defendant before the officer who issued the warrant or before whom it is made returnable, or some justice of the peace of the same district.

SECTION 34.—If the offense charged is a misdemeanor, and the defendant is arrested in another district, the officer must, upon being required by the defendant, take him before a justice of the peace in that district who may admit the defendant to bail to answer before

the justice issuing the warrant within a reasonable time.

SECTION 35.—On taking the bail, the justice of the peace must certify that fact on the warrant, and deliver the warrant and undertaking of bail to the officer having charge of the defendant. The officer must then discharge the defendant from arrest, and must, without delay, deliver the warrant and undertaking to the justice of the peace before whom the defendant is required to appear.

SECTION 36.—If, on the admission of the defendant to bail, the bail is not forthwith given, the officer must take the defendant before the justice of the peace who issued the warrant or to whom it is made returnable, or, in case of his absence or inability to act, before the nearest or most accessible justice of the peace in the same district, and must at the same time deliver to the justice of the peace the warrant with his return thereon indorsed and subscribed by him.

SECTION 37.—When a justice of the peace orders the defendant to be committed, he must make out a commitment, signed by him, with his name of office, and deliver it, with the defendant, to the officer, to whom he is committed, or, if that officer is not present, to a peace officer, who must deliver the defendant to the proper custody, together with the commitment.

SECTION 38.—The commitment must be to the following effect :

“ District of.....

The People of Porto Rico to the warden of the jail of..... district.

And order having been this day made by me, that..... be held to answer upon a charge of (stating briefly the nature of the offense, and giving

as near as may be the time when and the place where the same was committed), you are commanded to receive him into your custody and detain him until he is legally discharged.

Dated this day of, nineteen”

SECTION 39.—On holding the defendant to answer, the justice of the peace may take from each of the material witnesses examined before him on the part of the people, a written undertaking, to the effect that he will appear and testify at the court to which the warrant and other proceedings are to be sent, or that he will forfeit the sum of one hundred dollars.

SECTION 40.—When a justice of the peace is satisfied, by proof on oath, that there is reason to believe that any such witness will not appear and testify unless security is required he may order the witness to enter into a written undertaking, with sureties, in such sum as he may deem proper, for his appearance as specified in the preceding section.

SECTION 41.—If a witness, required to enter into an undertaking to appear and testify, either with or without sureties, refuses compliance with the order for that purpose, the justice of the peace must commit him to jail until he complies or is legally discharged.

SECTION 42.—When, however, it satisfactorily appears by examination, on oath, of the witness, or any other person, that the witness is unable to procure sureties, he may be forthwith conditionally examined on behalf of The People of Porto Rico; such examination must be by question and answer, in the presence of the defendant, or after notice to him, if on bail, and conducted in the same manner as the examination before a justice of the peace is required by this Code to be conducted, and the witness thereupon be discharged; but

this section does not apply to an accomplice in the commission of the offense charged.

SECTION 43.—When a justice of the peace has discharged a defendant, or has held him to answer, he must return to the clerk of the court at which the defendant is required to appear, the warrant, the complaint, the depositions, if any, and all under takings of bail, or for the appearance of witnesses, taken by him.

SECTION 44.—The defendant must in all cases be taken before a justice of the peace without unnecessary delay for examination, and any attorney-at-law entitled to practice in courts of Porto Rico, may, at the request of the prisoner after such arrest visit the person so arrested.

SECTION 45.—Whenever any person is charged with an offense not triable before the justice of the peace, the said justice shall, upon an investigation as to whether the offense charged has been committed, and if the justice of the peace be satisfied that the offense has been committed, and there exists probable cause that the defendant has committed the same he shall remand the defendant to jail, or admit him to bail as the case may be, for his appearance before the District Court to answer said charge. If there be no evidence that an offense has been committed or no probable cause showing the defendant's connection therewith he shall be discharged.

SECTION 46.—In cases of felony, if the justice of the peace desire the attendance of the prosecuting attorney at the examination, the prosecuting attorney may appear provided he is not engaged in criminal proceedings in court.

SECTION 47.—When a day is set for trial by the said justice of the peace, the witnesses for the prosecution

shall immediately be summoned. Subpoenas being issued and served upon them, they shall appear before the justice of the peace where the trial is to take place.

SECTION 48.—An appeal may be taken by the defendant upon giving notice of his intention so to do, at the time of the rendition of the judgment, by filing with the justice of the peace a written notice of appeal. When the appeal is from a judgment for a fine the defendant must, within two days after the rendition of judgment, file with the secretary of said justice of the peace an undertaking in writing with two good and sufficient sureties to guarantee the fine and costs that may be imposed upon the said defendant by the District Court, including all fines and costs had before the four justice of the peace. A deposit of money equal to four times the amount of fine and costs imposed by the justice shall be taken as equivalent thereto.

SECTION 49.—If on appeal the judgment is rendered against the defendant, or if the appeal is dismissed, the District Court shall at the expiration of five days render judgment against the sureties for the amount of fine and costs if not paid.

SECTION 50.—When the appeal is from a judgment of imprisonment the District Court shall take from the defendant a written undertaking in such sum not to exceed five hundred dollars, with such sureties as the clerk thereof may approve, or a deposit of the sum of five hundred dollars that the defendant will abide the sentence of the District Court upon appeal, and may thereupon order that he be discharged from imprisonment upon service of the order upon the officer having him in custody, or if he be not in custody that all proceedings on the judgment be stayed.

SECTION 51.—When a person is arrested charged

with an offense and brought before a justice of the peace, he shall first be notified of his right to waive trial and submit his case for trial before the District Court, upon entering into a bond with good and sufficient security to be approved by the said justice to pay all costs and whatever fine may be imposed by the said District Court. Or he may submit to trial, and should he feel aggrieved at the decision of the justice of the peace he shall have a right to appeal to the District Court, provided he gives a bond as provided for in appeals.

SECTION 52.—In all cases whether the defendant appeals before or after trial he will either be committed to jail or enter into good and sufficient bond to be approved by the justice of the peace to answer for his appearance at the District Court, on a specified day named in said bond.

SECTION 53.—Before the commencement of a trial in any of the justice of the peace courts mentioned in this chapter, either party, upon good cause shown, may have a reasonable postponement of the same, provided such postponement is not for more than three days.

SECTION 54.—When the judgment is rendered against a defendant that he pay a fine and the costs of said proceeding, should he fail to do so at once, the justice shall commit him to jail to be confined one day for each fifty cents of fine and costs remaining unpaid; said imprisonment in the aggregate shall not exceed ninety days.

SECTION 55.—Every justice of the peace must keep a book denominated "Criminal Docket" which shall be separate and distinct from the "Civil Docket" in which he must enter:

First.—The title of every action or proceeding,

which shall be "The People of Porto Rico, plaintiff vs
..... defendant."

Second.—The date of the warrant, the defendant's name and when arrested; the names of the complaining witnesses, and time of issuing summons and the return thereon by the party who served it; the time of trial and judgment thereof, or if there be no trial under a plea of guilty, the amount of fine or time of imprisonment, or if it be a case in which the offense is beyond the jurisdiction of the justice of the peace, the commitment or bail, or whatever proceeding therein is had. There shall also be in each case an itemized statement of the costs and expenses.

Third.—The demand for a trial before the District Court when the same is made, and by whom made.

SECTION 56.—The justice of the peace shall have power:

First.—To preserve and enforce order;

Second.—To enforce order in the proceedings before him or before a person or persons empowered to conduct the judicial investigation under this authority;

Third.—To provide for the orderly conduct of proceedings before him or his officers ;

Fourth.—To compel obedience to his judgments, orders and processes in an action or proceeding pending therein;

Fifth.—To control in the furtherance of justice the conduct of all persons in any manner connected with the judicial proceeding before him, and in every other matter appertaining thereto;

Sixth.—To compel the attendance of persons to testify in any proceeding pending therein in the cases and manner provided in this or the Penal Code.

Seventh.—To administer oaths in an action or pro-

ceeding pending therein and all other cases where it may be necessary in the exercise of power and duty.

Eighth.—To command and control his processes and orders so as to make them conformable to law and justice.

SECTION 57.—Every justice of the peace upon the expiration of his term of office must deposit with his successor his official docket and papers filed in his office, or any others which may be in his custody to be kept as records.

SECTION 58.—The costs in said justice of the peace court shall be as follows : For every summons or subpoena twenty-five cents, for every attachment fifty cents, for every judgment twenty-five cents, for every examination twenty-five cents, for administering each oath five cents, for issuing a warrant twenty-five cents, for taking each recognizance twenty-five cents, for service of warrant fifty cents, for commitment seventy-five cents, for acknowledging bonds, twenty-five cents, for transmitting appeals, fifty cents, for issuing a search warrant, one dollar.

SECTION 59.—In cases of appeal from the justice of the peace to the District Court before or after trial in cases triable before the justice of the peace, the proceedings had therein in said District Court shall be final, and there shall be no appeal from the judgment of said District Court.

SECTION 60.—All costs, fines, and fees paid into or collected by the said justices of the peace, and all forfeitures of recognizance and bonds, shall be paid by the justice of the peace into the municipal treasury every month, and the said justice of the peace shall transmit to the Attorney General of the Island of Porto Rico every month a certified copy of his docket stating all

finer, fees, costs and other moneys collected by him in each case. The Attorney General shall have the right to order an inspection of the dockets of the peace at any time.

SECTION 61.—Said justice of the peace shall have power to punish for contempt committed before him in the exercise of his judicial duties by a fine not exceeding two dollars and fifty cents or imprisonment in jail not exceeding five days or both.

SECTION 62.—It shall be lawful for any peace officer where attempting to serve any criminal process issued by any justice of the peace or other authority to summon a sufficient number of men to assist in the arresting or safe keeping, any person who refuses to be taken or who is likely to make his escape; and if any person summoned as aforesaid shall disobey such summons he shall be guilty of misdemeanor.

SECTION 63.—The style of all processes shall be in the name of "The People of Porto Rico."

SECTION 64.—It shall be the duty of the several justices of the peace to keep all papers relating to criminal matters in good order and on file in their offices for a term not to exceed five days, and within said time to hand over to the prosecuting attorney of the District Court of the judicial district in which the justice of the peace acts, the original warrant, the names of the prosecuting witnesses written thereon, the affidavits, depositions and bonds if any, and whatever other proceedings taken in any and every criminal case.

SECTION 65.—All undertakings must be filed with, and all moneys deposited in lieu thereof shall remain in the custody of the secretary of the justice of the peace who shall within five days thereafter turn over

the same to the clerk of the District Court, or as soon thereafter as the case is presented to the prosecuting attorney of said court.

TITLE II.

PLEADING AND INFORMATION.

SECTION 66.—All the forms of pleading in criminal actions, and the rules by which the sufficiency of pleadings is to be determined, are those prescribed by this Code.

SECTION 67.—The first pleading on the part of the people is the information.

SECTION 68.—The information is an allegation in writing made to a District Court by the prosecuting attorney charging a person with a public offense.

SECTION 69.—The information when filed shall be known as the presentment and must be presented to the Court and be filed with the clerk thereof.

SECTION 70.—When a defendant has been committed as provided in Section thirty-seven of this Code, it shall be the duty of prosecuting attorney, within twenty days thereafter, to examine witnesses and file an information in the District Court in the district in which the offense is triable, charging the defendant with such offense, if warranted by the testimony. The information shall be in the name of "The People of Porto Rico," and subscribed by the prosecuting attorney as provided for in Section three of this Code.

SECTION 71.—The information must contain:

- 1.—The title of the action, specifying the name of the court to which the same is presented, and the names of the parties.

- 2.—A statement of the acts constituting the offense,

in ordinary and concise language, and in such manner as to enable a person of common understanding to know what is intended.

SECTION 72.—It may be substantially in the following form:

“The people of Porto Rico against..... in the District Court of Porto Rico, district of....., thatis accused by information filed by the prosecuting attorney of the crime of (here state the character of the crime committed whether it be murder, arson, larceny, or the like, or designating it as felony or misdemeanor), committed as follows: The said.....on theday of..... A. D. nineteen.....at the district aforesaid (here set forth the act or omission charged as an offense) contrary to the form, force and effect of law in such case made and provided, and against the peace and dignity of The People of Porto Rico. (Signed by the prosecuting attorney who shall make the following oath): “I hereby certify that the above information is filed based upon the sworn testimony of witnesses examined before me, and I solemnly believe that there is just cause for the filing of this information. (To be sworn to before the clerk of the Court.)

SECTION 73.—If the facts as stated in the information constitute an offense, triable by the court, the court must direct the clerk to issue a bench warrant for the defendant.

SECTION 74.—The clerk shall on the application of either of the judges of the court or the prosecuting attorney, whether the court be in session, or not, issue a bench warrant under his signature and seal of the court for the arrest of the defendant upon the filing of the information.

SECTION 75.—The information must be direct and certain, as regards,

1.—The party charged.

2.—The offense charged.

3.—The particular circumstances of the offense charged, when they are necessary to constitute a complete offense.

SECTION 76.—When a defendant is charged by a fictitious or erroneous name in any stage of the proceedings his true name is discovered, it must be inserted in the subsequent proceedings, referring to the fact of his being charged by the name mentioned in the information.

SECTION 77.—The information must charge but one offense; but the same offense may be set forth in different forms under different counts, and, when the offense is committed by the use of different means, the means may be alleged in the alternative in the same count.

SECTION 78.—The precise time at which the offense was committed need not be stated in the information, but it may be alleged to have been committed at any time before the finding or filing thereof, except where the time is a material ingredient in the offense.

SECTION 79.—When an offense involves the commission of, or an attempt to commit, a private injury, and is described with sufficient certainty in other respects to identify the act, an erroneous allegation as to the person injured, or intended to be injured is not material.

SECTION 80.—The words used in an information are construed in their usual acceptance in common language, except such words and phrases as are defined by

law, which are construed according to their legal meaning.

SECTION 81.—Words used in a law to define a public offense need not be strictly pursued in the information, but other words conveying the same meaning may be used.

SECTION 82.—The information is sufficient, if it can be understood therefrom:

1.—That it is entitled in a court having authority to receive it, though the name of the court be not stated.

2.—That the information be subscribed and presented to the court by the prosecuting attorney of the district in which the court is held.

3.—That the defendant is named, or if his name cannot be discovered, that he is described by a fictitious name, with a statement that his true name is to the prosecuting attorney unknown.

4.—That the offense was committed at some place within the jurisdiction of the court, except where the act, though done without the local jurisdiction of the court, is triable therein.

5.—That the offense was committed at some time prior to the time of filing the information.

6.—That the act or omission charged as the offense is clearly and distinctly set forth in ordinary and concise language, without repetition, and in such a manner as to enable a person of common understanding to know what is intended.

7.—That the act or omission charged as the offense, is stated with such a degree of certainty as to enable the court to pronounce judgment upon a conviction, according to the right of the case.

SECTION 83.—No information is insufficient, nor can

the trial, judgment, or other proceeding thereon be affected by reason of any defect or imperfection in matter of form which does not tend to the prejudice of the rights of the defendant upon its merits.

SECTION 84.—Neither presumptions of law, nor matters of which judicial notice is taken, need be stated in the information.

SECTION 85.—In pleading a judgment or other determination of, or proceeding before a court or officer of special jurisdiction, it is not necessary to state the facts constituting jurisdiction; but the judgment or determination may be stated as given or made, or the proceedings had. The facts constituting jurisdiction, however, must be established on the trial.

SECTION 86.—In pleading a private law, or a right derived therefrom, it is sufficient to refer to the law by its title and the day of its passage, and the court must thereupon take judicial notice thereof.

SECTION 87.—An information for libel need not set forth any extrinsic facts for the purpose of showing the application to the party libeled of the defamatory matter on which the information is founded; but it is sufficient to state generally that the same was published concerning him, and the fact that it was so published must be established on the trial.

SECTION 88.—When an instrument which is the subject of an information for forgery has been destroyed or withheld by the act or the procurement of the defendant, and the fact of such destruction or withholding is alleged in the information, and established on the trial, the misdescription of the instrument is immaterial.

SECTION 89.—In an information for perjury, or subornation of perjury, it is sufficient to set forth the substance of the controversy or matter in respect to which

the offense was committed, and in was court and before whom the oath alleged to be false was taken, and that the court, or the person before whom it was taken, had authority to administer it, with proper allegations of the falsity of the matter on which the perjury is assigned; but the information need not set forth the pleadings, record, or proceedings with which the oath is connected, nor the commission or authority of the court or person before whom the perjury was committed.

SECTION 90.—In an information for the larceny or embezzlement of money, bank-notes, certificates of stock, or valuable securities, or for a conspiracy to cheat or defraud a person of any such property, it is sufficient to allege the larceny or embezzlement, or the conspiracy to cheat and defraud, to be money, bank-notes, certificates of stock, or valuable securities, without specifying the coin, number, denomination, or kind thereof.

SECTION 91.—An information exhibiting, publishing, passing, selling, or offering to sell, or having in possession, with such intent, any obscene book, pamphlet, picture, print, card, paper, or writing, need not set forth any portion of the language used or figures shown upon such book, pamphlet, picture, print, card, paper, or writing; but it is sufficient to state generally the fact of the obscenity thereof.

SECTION 92.—Upon an information against several defendants, any one or more may be convicted or acquitted.

SECTION 93.—All persons concerned in the commission of a felony, whether they directly commit the act constituting the offense or aid in abetting its commission, though not present shall be prosecuted, tried and punished as principal, and no other fact need be alleged

in the information against them other than is required in the information against the principal.

SECTION 94.—An accessory to the commission of a felony may be prosecuted, tried, and punished, though the principal may be neither prosecuted nor tried or though the principal may have been tried and acquitted.

TITLE III.

POWERS AND DUTIES OF THE PROSECUTING ATTORNEY.

SECTION 95.—The prosecuting attorney is the public prosecutor for the judicial district in which he is appointed. He shall attend the District Court and conduct, on behalf of The People of Porto Rico, all prosecutions for public offenses.

SECTION 96.—The prosecuting attorney shall have power to issue subpoenas for witnesses.

SECTION 97.—The prosecuting attorney shall have power to issue warrants of arrest when violations of the law have been brought to his attention. The said warrant shall be made returnable to any justice of the peace within the said district.

SECTION 98.—All cases in which justices of the peace have no jurisdiction to try and determine the same the prosecuting attorney shall, upon the return of the proceedings had before such justice issue subpoenas for witnesses. He shall examine such witnesses under oath as to the offense charged, with such particulars as to the person accused, the time, place, property and value thereof, and the offense; and if sufficient evidence is produced that the offense as charged or that an offense amounting to a felony has been committed, and that there exists probable cause as to the guilt of the

defendant he shall file an information as provided by law.

SECTION 99.—If after hearing the testimony it appears either that no public offense has been committed or that there is not sufficient cause to believe the defendant guilty, the prosecuting attorney must order that the defendant be discharged, and shall file with the clerk of the court the original proceedings indorsed thereon as follows: "There being no sufficient cause to believe the within named A. B. is guilty of an offense, I recommend his discharge."

SECTION 100.—If, however, it appears from the examination that a public offense has been committed, and there is sufficient cause to believe the defendant guilty thereof, the prosecuting attorney shall order the arrest of the defendant by issuing a warrant therefor.

SECTION 101.—In all cases of felony the defendant shall be brought into court after filing of the information to be arraigned and enter into a new bond, or remanded to jail as the case may be.

SECTION 102.—If the offense committed is within the jurisdiction of the justice of the peace the same shall be remanded to the said justice of the peace for proceedings therein as prescribed by law.

SECTION 103.—In all offenses within the jurisdiction of the justice of the peace that may be transferred to the District Court, upon appeal or otherwise the prosecuting attorney need not file an information. Such cases shall be tried on the original complaint and warrant.

SECTION 104.—When an information is filed against the defendant not in custody, the same proceedings shall be had as are prescribed in Section 131 against the defendant who fails to appear for arraignment.

SECTION 105.—The prosecuting attorney may from time to time appear before a justice of the peace when so requested in examination of complaints for felony.

SECTION 106.—The prosecuting attorney shall prepare all informations and file the same in court.

SECTION 107.—The prosecuting attorney shall prosecute all recognizances forfeited and all cases for the recovery of fines, penalties, debts, and forfeitures accruing to the People of Porto Rico within his district.

SECTION 108.—He shall perform such other duties as may from time to time be assigned him by the Attorney General.

SECTION 109.—In all cases of felony, the prosecuting attorney shall upon filing his information notify the defendant or defendants in writing of his right to trial by jury; but in no case shall the failure to give such notice be held or taken to be ground of objection or exception to the validity of any judgment against the accused.

TITLE IV.

THE CLERK OF THE DISTRICT COURT.

SECTION 110.—A docket must be kept by the clerk of the district court denominated a "Criminal Docket" in which he shall enter each criminal action and whatever proceedings are had therein, and an itemized statement of all the costs in each case. The clerk of the court shall at the end of each month turn over to the Insular Treasurer, all the moneys collected or paid to him of whatever character or nature; he shall also at the end of each quarter, beginning with July first, forward to the Auditor an itemized statement of the costs in each case, also all fines, fees and forfeitures paid by him to the Treasurer.

SECTION 111.—The Attorney General or his duly authorized representative may from time to time inspect all the records of the District Court and also the records and dockets of the clerk.

SECTION 112.—The clerk shall perform such other duties as may from time to time be assigned him by the Attorney General and the judges of said court.

SECTION 113.—Any clerk of a District Court who shall fail to discharge the duties imposed by law shall be guilty of a misdemeanor. And any clerk of said District Court who shall neglect or refuse to pay over to the proper authority any fines or moneys collected by him or which may come into his possession by virtue of this Title shall be guilty of a felony.

TITLE V.

ARREST, BY WHOM AND HOW MADE.

SECTION 114.—An arrest is taking a person into custody, in a case and in the manner authorized by law.

SECTION 115.—An arrest is made by an actual restraint of the person of the defendant, or by his submission to the custody of an officer. The defendant must not be subjected to any more restraint than is necessary for his arrest and detention.

SECTION 116.—A peace officer may make an arrest in obedience to a warrant delivered to him, or may, without a warrant, arrest a person:

- 1.—For a public offense committed or attempted in his presence;

- 2.—When a person arrested has committed a felony, although not in his presence;

- 3.—When a felony has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it;

4.—On a charge made, upon a reasonable cause, or the commission of a felony by the party arrested;

5.—At night, when there is reasonable cause to believe that he has committed a felony.

SECTION 117.—A private person may arrest another:

1.—For a public offense committed or attempted in his presence;

2.—When the person arrested has committed a felony, although not in his presence;

3.—When a felony has been in fact committed, and he has reasonable cause for believing the person arrested to have committed it.

SECTION 118.—A magistrate may orally order a peace officer or private person to arrest any one committing or attempting to commit a public offense in the presence of such magistrate.

SECTION 119.—Any person making an arrest may orally summon as many persons as he deems necessary to aid him therein.

SECTION 120.—If the offense charged is a felony, the arrest may be made on any day, and at any time of day or night. If it is a misdemeanor, the arrest cannot be made at night, unless upon the direction of a magistrate, indorsed upon the warrant.

SECTION 121.—The person making an arrest must inform the person to be arrested of the intention to arrest him, of the cause of the arrest, and the authority to make it, except when the person to be arrested is actually engaged in the commission of or an attempt to commit an offense, or is pursued immediately after its commission, or after an escape.

SECTION 122.—If the person making the arrest is acting under the authority of a warrant, he must show the warrant, if required.

SECTION 123.—When the arrest is being made by an officer under the authority of a warrant, after information of the intention to make the arrest, if the person to be arrested either flees or forcibly resists, the officer may use all necessary means to effect the arrest.

SECTION 124.—To make an arrest, a private person, if the offense be a felony, and in all cases a peace officer may break open the door or window of the house in which the person to be arrested is, or in which they have reasonable grounds for believing him to be, after having demanded admittance and explained the purpose for which admittance is desired.

SECTION 125.—Any person who has lawfully entered a house for the purpose of making an arrest may break open the door or window thereof if detained therein, when necessary for the purpose of liberating himself, and an officer may do the same when necessary for the purpose of liberating a person who, acting in his aid, lawfully entered for the purpose of making an arrest, and is detained therein.

SECTION 126.—Any person making an arrest may take from the person arrested all dangerous weapons which he may have about his person, and must deliver them to the justice of the peace before whom he is taken.

SECTION 127.—A justice of the Supreme Court or a judge of a District Court, may, by an indorsement under his hand upon a warrant of arrest, authorize the service thereof by telegraph, and thereafter a telegraphic copy of such warrant may be sent by telegraph to one or more peace officers; and such copy is as effectual in the hands of any officer, and he must proceed in the same manner under it as though he held an original warrant issued by the magistrate making the indorsement.

SECTION 128.—Every officer causing telegraphic copies of warrants to be sent must certify as correct, and file in the telegraph office from which such copies are sent, a copy of the warrant and indorsement thereon, and must return the original with a statement of his action thereunder.

SECTION 129.—If a person arrested escape or is rescued the person from whose custody he escaped or was rescued, may immediately pursue and retake him at any time and in any place.

SECTION 130.—To retake the person escaping or rescued, the person pursuing may break open an outer or inner door or window of a dwelling house, if after notice of his intention, he is refused admittance.

TITLE VI.

OF PLEADINGS AND PROCEEDINGS AFTER INFORMATION FILED AND BEFORE THE COMMENCEMENT OF THE TRIAL.

CHAPTER I.

OF THE ARRAIGNMENT OF THE DEFENDANT.

SECTION 131.—After the filing of an information, the defendant must be arraigned thereon before the court in which it is filed, unless the cause is transferred to some other court for trial.

SECTION 132.—The defendant must be personally present on arraignment. If the offense be a misdemeanor he need not be arraigned, but when the trial begins the clerks shall read the complaint and warrant.

SECTION 133.—When his personal appearance is necessary, if he is in custody, the court may direct, and the officer in whose custody he is must bring him before it to be arraigned.

SECTION 134.—If the defendant has been discharged on bail, or has deposited money instead thereof, and do not appear to be arraigned when his personal attendance is necessary, the court, in addition to the forfeiture of the undertaking of bail or of the money deposited, may direct the clerk to issue a bench-warrant for his arrest.

SECTION 135.—The clerk, on application of the prosecuting attorney, may, at any time after the order, whether the court is sitting or not, issue a bench-warrant for defendant.

SECTION 136.—The bench-warrant upon the information must, if the offense is a felony, be substantially in the following form:

“District of.....

The People of Porto Rico to (the marshal, policeman, insular police of Porto Rico, or other officer) an information having been filed on the..... day of..... A. D. nineteen....., in the District Court; district of..... charging..... with the crime of (designating it generally); you are therefore commanded forthwith to arrest the above named..... and bring him before this court, (or if the information has been sent to some other court that court must be named as the place to bring the defendant) to answer said information; or if the court be not in session, that you deliver him into the custody of the warden of said district.

Given under my hand, with the seal of the court affixed, this..... day of..... A. D. nineteen.....

By order of the Court.

(Seal)

(Signed by the clerk.)

SECTION 137.—The defendant, when arrested under a bench-warrant for an offense not bailable, must be held in custody by the warden of the district in which the information is filed, unless admitted to bail after an examination upon a writ of habeas corpus; but if the offense be bailable the defendant on arraignment may enter into bail for his appearance before court to answer said information.

SECTION 138.—A bench-warrant may be served in any district.

SECTION 139.—When the information is for felony, and the defendant, before the filing thereof, has given bail for his appearance to answer the charge, the court to which the information is presented, or in which it is pending, may order the defendant to be committed to actual custody, unless he gives bail in an increased amount to be specified in the order.

SECTION 140.—If the defendant is present when the order is made, he must be forthwith committed. If he is not present, a bench-warrant must be issued and proceeded upon in the manner provided in this chapter.

SECTION 141.—If the defendant appears for arraignment without counsel, he must be informed by the court that it is his right to have counsel before being arraigned, and must be asked if he desires the aid of counsel. If he desires and is unable to employ counsel, the court must assign counsel to defend him.

SECTION 142.—The arraignment must be made by the prosecuting attorney, which consists in reading the information to the defendant and delivering to him a copy thereof, and of the indorsements thereon, including the list of witnesses, whereupon the court asks him whether he pleads guilty or not guilty to the information.

SECTION 143.—When the defendant is arraigned, he must be informed that if the name by which he is prosecuted is not his true name, he must then declare his true name, or be proceeded against by the name in the information. If he gives no other name, the court may proceed accordingly; but if he alleges that another name is his true name, the court must direct an entry thereof in the minutes of the arraignment, and the subsequent proceeding on the information may be had against him by that name, referring also to the name by which he was first charged therein.

SECTION 144.—If, on the arraignment, the defendant requires it, he must be allowed a reasonable time, not less than one day, to answer the information. He may, in answer to the arraignment, move to set aside, demur, or plead to the information.

CHAPTER II.

SETTING ASIDE THE INFORMATION.

SECTION 145.—The information must be set aside by the court in which the defendant is arraigned, upon his motion, in either of the following cases:

1.—That if the offense charged be a misdemeanor before the filing thereof the defendant had not been committed by a justice of the peace;

2.—That if the offense be a felony it was not subscribed and sworn to by the prosecuting attorney.

SECTION 146.—If the motion to set aside the information is not made, the defendant is precluded from afterward taking the objections mentioned in the preceding section.

SECTION 147.—The motion must be heard at the time it is made. unless, for cause, the court postpones the hearing to another time. If the motion is denied, the

defendant must immediately answer the information, either by demurring or pleading thereto. If the motion is granted, the court must order that the defendant, if in custody, be discharged therefrom; or, if admitted to bail, that his bail be exonerated; or, if he has deposited money instead of bail, that the same be refunded to him, unless it directs that an information be filed by the prosecuting attorney, or remand the same to the justice of the peace; *provided*, that after such order of resubmission the offense may be examined before a justice of the peace and the defendant discharged or committed by him as provided.

SECTION 148.—If the court directs an information to be filed, the defendant, if already in custody, must so remain, unless he is admitted to bail, or, if already admitted to bail, or money is answerable for the appearance of the defendant to answer a new information and unless a new information is filed within fifteen days the court must order the defendant discharged unless by special reason the court extends the time of filing the information.

SECTION 149.—An order to set aside an information, as provided in this chapter, is no bar to a future prosecution for the same offense.

CHAPTER III.

DEMURRER.

SECTION 150.—A demurrer is an allegation that, admitting the facts as stated in the information, such facts do not constitute an offense against the law whereby the defendant should be put on trial.

SECTION 151.—The only pleading on the part of the defendant is either a demurrer or a plea.

SECTION 152.—Both the demurrer and plea must be

put in, in open court, either at the time of the arraignment or at such other time as may be allowed to the defendant for that purpose.

SECTION 153.—The defendant may demur to the information, when it appears upon the face thereof, either:

1.—That it does not substantially conform to the requirement of Sections 71, 72 and 73.

2.—That more than one offense is charged;

3.—That the facts stated do not constitute a public offense;

4.—That it contains any matter, which, if true, would constitute a legal justification or excuse of the offense charged, or other legal bar to the prosecution.

SECTION 154.—The demurrer must be in writing, signed either by the defendant or his counsel, and filed. It must distinctly specify the grounds of objection to the information, or it must be disregarded.

SECTION 155.—Upon the demurrer being filed, the argument upon the objection presented thereby must be heard, either immediately or at such time as the court may appoint.

SECTION 156.—Upon considering the demurrer, the court must give judgment, either allowing or disallowing it, and an order to that effect must be entered upon the minutes.

SECTION 157.—If the demurrer is allowed, the judgment is final upon the information demurred to, and is a bar to another prosecution for the same offense, unless the court, being of the opinion that the objection on which the demurrer is allowed may be avoided in a new information, and directs a new information to be filed; *provided*, that after such order of resubmission, the defendant may be examined before a justice of the

peace and discharged or committed by him, as in other cases.

SECTION 158.—If the court does not permit the information to be amended, nor direct that an information be filed, the defendant, if in custody, must be discharged, or if admitted to bail, his bail is exonerated, or if he has deposited money instead of bail, the money must be refunded to him.

SECTION 159.—If the court directs that the case be resubmitted, the same proceedings must be had thereon as are prescribed in Sections 147 and 148.

SECTION 160.—If the demurrer is disallowed, the court must permit the defendant, at his election, to plead, which he must do forthwith, or at such times as the court may direct. If he does not plead, judgment may be pronounced against him.

SECTION 161.—When the objections mentioned in Section 153 appear on the face of the information, they can only be taken by demurrer, except that the objection to the jurisdiction of the court over the subject of the information, or that the facts stated do not constitute a public offense, may be taken at the trial, under the plea of not guilty, or after the trial, in arrest of judgment.

CHAPTER IV.

PLEA.

SECTION 162.—There are four kinds of pleas to an information, A plea of—

- 1.—Guilty;
- 2.—Not guilty;
- 3.—A former judgment of conviction or acquittal

of the offense charged, which may be pleaded either with or without the plea of not guilty;

4.—Once in jeopardy.

SECTION 163.—Every plea must be oral, and entered upon the minutes of the court in substantially the following form:

1.—If the defendant plead guilty: "The defendant pleads that he is guilty of the offense charged".

2.—If he plead not guilty: "The defendant pleads that he is not guilty of the offense charged".

3.—If he plead a former conviction or acquittal: "The defendant pleads that he has already been convicted (or acquitted) of the offense charged by the judgment of the court of (naming it), rendered at (naming the place), on the day of . . ."

4.—If he plead once in jeopardy: "The defendant pleads that he has been in jeopardy for the offense charged (specifying the time, place, and court)".

SECTION 164.—A plea of guilty can be entered only by the defendant himself in open courts, unless upon information against a corporation, in which case it may be put in by counsel. The court may, at any time before judgment, upon a plea of guilty, permit it to be withdrawn, and a plea of not guilty substituted.

SECTION 165.—The plea of not guilty puts in issue every material allegation of the information.

SECTION 166.—All matters of fact tending to establish a defense, other than that specified in the third and fourth subdivisions of Section 162, may be given in evidence under a plea of not guilty.

SECTION 167.—If the defendant was formerly acquitted on the ground of variance between the information and the proof, or the information was dismissed upon an objection to its form or substance, or in order to hold

the defendant for a higher offense, without a judgment of acquittal, it is not an acquittal of the same offense.

SECTION 168.—Whenever the defendant is acquitted on the merits, he is acquitted of the same offense, notwithstanding any defect in form or substance in the information on which the trial was had.

SECTION 169.—When the defendant is convicted or acquitted, or has been once placed in jeopardy upon an information, the conviction, acquittal, or jeopardy is a bar to another information for the offense charged in the former, or for an attempt to commit the same, or for an offense necessarily included therein, of which he might have been convicted under that information.

SECTION 170.—If the defendant refuses to answer the information by demurrer or plea, a plea of not guilty must be entered.

CHAPTER V.

REMOVAL OF THE ACTION BEFORE TRIAL.

SECTION 171.—A criminal action may be removed from the court in which it is pending:

First.—On the application of the defendant, on the ground that a fair and impartial trial cannot be had in the district where the action is pending;

Second.—On the application of the prosecuting attorney, on the ground that from any cause no jury can be obtained for the trial of the defendant in the district where the action is pending.

SECTION 172.—The application must be made in open court and in writing, verified by the affidavit of the defendant or of the prosecuting attorney, as the case may be, a copy of which application must be served upon the attorney of the adverse party at least one day

prior to the hearing of the application. Whenever the affidavit of the defendant shows that he cannot safely appear in person to make such application, because popular prejudice is so great as to endanger his personal safety, and such statement is sustained by other testimony, such application may be made by his attorney, and shall be heard and determined in the absence of defendant, notwithstanding the charge then pending against him be a felony, and he has not at the time of such application been arrested or given bail, or been arraigned, or pleaded, or demurred to the information.

SECTION 173.—If the court be satisfied that the representations of the applicant are true, an order must be made transferring the action to the proper court of some convenient district, free from a like objection.

SECTION 174.—The order of removal must be entered upon the minutes, and the clerk must immediately make out and transmit to the court to which the action is removed a certified copy of the order of removal, record pleadings, and proceedings in the action, including the undertakings for the appearance of the defendant and of the witnesses.

SECTION 175.—If the defendant is in custody, the order must direct his removal, and he must be forthwith removed by the warden where he is imprisoned, to the custody of the warden of the district to which the action is removed.

SECTION 176.—The court to which the action is removed must proceed to trial and judgment therein as if the action had been commenced in such court. If it is necessary to have any of the original pleadings or other papers before such court, the court from which the action is removed must at any time, upon application of the prosecuting attorney or the defendant, order such

papers or pleadings to be transmitted by the clerk, a certified copy thereof being retained.

CHAPTER VI.

THE MODE OF TRIAL.

SECTION 177.—An issue of fact arises:

- 1.—Upon a plea of not guilty;
- 2.—Upon a plea of a former conviction or acquittal of the same offense.

SECTION 178.—Issues of fact in cases of felony shall be tried by a jury when the defendant or defendants or one of them so elect; such election shall be announced to the court at the first general call of the calendar upon which the case has been noted. If so announced it shall be entered on the record; if not announced, that fact shall also be entered upon the record, and the right to a trial by jury shall be deemed to have been waived and the case shall be tried by the court. But in any case for good cause shown, the court may award a jury trial at any time subsequent to such general call of the calendar.

SECTION 179.—If the prosecution be for a felony, the defendant must be personally present at the trial; but if for misdemeanor, the trial may be had in the absence of the defendant; if, however, his presence is necessary for the purpose of identification, the court may, upon application of the prosecuting attorney, by an order or warrant, require the personal attendance of the defendant at the trial.

CHAPTER VII.

THE CALENDAR OF ISSUES FOR TRIAL.

SECTION 180.—The clerk must keep a calendar of all criminal actions pending in the court, enumerating them according to the date of the filing of the inform-

ation, specifying opposite the title of each action whether it is for a felony or a misdemeanor, and whether the defendant is in custody or on bail.

SECTION 181.—The issues on the calendar must be disposed of in the following order, unless for good cause the court shall direct an action to be tried out of its order:

1.—Prosecutions for felony, when the defendant is in custody.

2.—Prosecutions for misdemeanor, when the defendant is in custody.

3.—Prosecutions for felony, when the defendant is on bail.

4.—Prosecutions for misdemeanor, when the defendant is on bail.

SECTION 182.—After his plea, the defendant is entitled to at least five days to prepare for trial.

SECTION 183.—When an action is called for trial or at any time previous thereto the court may, upon sufficient cause, direct the trial to be postponed to another day.

TITLE VII.

OF PROCEEDINGS AFTER THE COMMENCEMENT OF THE TRIAL AND
BEFORE JUDGMENT.

CHAPTER I.

THE JURY.

SECTION 184.—A jury is a body of men selected from the citizens of a particular district, and invested with power to try questions of fact.

SECTION 185.—A jury shall consist of twelve men who must unanimously concur in any verdict rendered.

SECTION 186.—A person is competent to act as juror if he be:

1.—A male citizen of the United States or of Porto Rico of the age of twenty-one and not more than sixty years, who shall have been a resident of Porto Rico one year, and of the district ninety days before being selected and returned.

2.—In possession of his natural faculties and of ordinary intelligence, and not decrepit.

3.—Possessed of sufficient knowledge of the Spanish language.

4.—Assessed on the last assessment roll of the district on property of the value of at least two hundred dollars belonging to him.

SECTION 187.—A person is not competent to act as a juror:

1.—Who does not possess the qualifications prescribed by the preceding section, or

2.—Who has been convicted of malfeasance of office or any felony or other high crime.

SECTION 188.—A person is exempt from liability to act as a juror if he be:

1.—A judicial, civil or military officer of the United States or of Porto Rico.

2.—A person holding a municipal office.

3.—An attorney at law in practice.

4.—A minister of the gospel, or a priest of any denomination, or an editor following his profession.

5.—A teacher in a university, college, academy or school.

6.—A practicing physician or druggist actually engaged in the business of dispensing medicines.

7.—An officer, keeper, or attendant of a hospital, asylum or other charitable institution.

8.—Engaged in the performance of duty as officer or attendant of the penitentiary or jails.

9.—An express agent, mail carrier, superintendent, employee, or operator, of a telegraph line doing a general telegraph business in Porto Rico.

10.—An active member of the militia or insular police of Porto Rico.

11.—A superintendent, engineer or conductor on a railroad or electric railway.

The court must discharge a person from serving as a trial juror in either of the following cases:

Where it satisfactorily appears that he is not competent; and,

Where it satisfactorily appears that he is exempt and claims the benefit of exemption.

SECTION 189.—A juror must not be excused by a court for slight or trivial cause or for hardship or inconvenience to his business, but only when material injury or destruction to his property, or of property entrusted to him, is threatened, or when his own health, or the sickness or death of a member of his family require his absence.

SECTION 190.—If a person exempt from liability to act as juror as provided in Section 188 be summoned as a juror, he may make and transmit his affidavit to the clerk of the court for which he is summoned, stating his office, occupation or employment, and such affidavit must be delivered by the clerk to the judge of the court where the name of such person, is called, and if sufficient in substance, must be received as evidence of his right to exemption, and as an excuse for non-attendance in person. The affidavit must then be filed by the clerk.

SECTION 191.—Upon the first Monday of April, of each year, it shall be the duty of the judges of the District Court, or of a majority of them, to select the names

of three tax paying citizens, resident within the district in which the court is held, to serve as jury commissioners the ensuing year after their appointment.

SECTION 192.—The persons so selected must possess the qualifications of jurors, and in addition thereto they shall not have any personal interest in any litigation pending before the court at the time that they convene.

SECTION 193.—The judges shall cause such persons to be notified of their appointment upon the day of their selection, and within three days thereafter such jury commissioners shall meet at the place designated by the judges of the several District Courts, and must take an oath before one of the judges thereof to the effect that they will each perform the duties of jury commissioner, to the best of their skill and understanding.

SECTION 194.—It shall then be the duty of the said jury commissioners to select the names of two hundred persons qualified to serve as jurors, and they must make a list of the names of such persons.

SECTION 195.—A list of the names of the persons so selected, showing the place of residence of each of them must be made out and signed by the jury commissioners or a majority of them. Within two days thereafter the list must be delivered by the jury commissioners to a judge of the District Court, to be filed by him in the court. For the purpose of selecting such names they shall have free access to the tax lists or books of any municipality, city or district.

SECTION 196.—Immediately after the list has been delivered to him, the clerk of the court, under the direction of the judges, must prepare suitable ballots, by writing the name of each juror so selected, as contained in the list, on separate pieces of paper. The ballots must be uniform, as nearly as may be, in appearance; and the

secretary must deposit them in a box kept for that purpose.

SECTION 197.—The persons whose names are so returned shall be known as regular trial jurors of the District Court, for the district in which they have been drawn, and they must serve for one year and until other persons are selected and returned.

SECTION 198.—Cases where the defendants have selected to be tried by jury, shall be tried in sequence as far as may be practicable.

SECTION 199.—Whenever the criminal business of the District Court requires the attendance of a trial jury and no jury is in attendance, the court may make an order directing that a trial jury be drawn and summoned to attend before said court. Such order must specify the number of jurors to be drawn which shall not exceed twenty-four, and the time at which the jurors are required to attend. And the court may direct that criminal cases, in which a jury may be required, be continued and fixed for trial when a jury shall be in attendance.

SECTION 200.—Immediately upon the order mentioned in the preceding section, being made, the secretary or clerk of the court, shall, in the presence of the judges, proceed to draw the jurors from the box, as follows:

1st.—The secretary or clerk must shake the box containing the names of the two hundred trial jurors so as to mix the slips of paper upon which the names are written, and he shall then draw from said box as many slips of paper as are ordered by the court.

2nd.—A minute of the drawing shall be entered on the court records, and the name on each slip of paper so drawn shall appear also.

3rd.—If the name of any person is drawn from said

box who is dead or who may have permanently removed from the district, or who is exempt from jury service, and the fact may be made to appear to the satisfaction of the judges, the name of such person shall be omitted from the list, and another juror shall be drawn in his place. After the drawing shall be completed, the secretary or clerk shall make a copy of the list of names of the persons so drawn, and certify the same to be correct and also the date of the order, and of the drawing and of the number of jurors drawn, and the time when, and the place where such jurors are required to appear. Such certificate and list shall then be delivered to a sheriff or if there be no sheriff, then to some capable officer of the court for service.

SECTION 201.—The officer of the court, as soon as he receives the list of jurors drawn, shall summon the persons named to attend the court at the time mentioned in the order, by leaving written notice to that effect at the jurors' places of residence, or by giving personal notice to each of them, and he shall then return the list to the court, specifying the names of those who have been summoned, and the manner in which each was notified.

SECTION 202.—If a sufficient number of trial jurors duly drawn and notified, do not attend, or cannot be obtained in the opinion of the judges, without great delay or expense to form a jury, the court may, in its discretion, direct the clerk to draw from the box, in the presence of the court, the names of as many persons as the court deems sufficient for that purpose.

SECTION 203.—The officer of the court must forthwith notify each person so drawn, and make a return as prescribed heretofore in this chapter.

SECTION 204.—Jurors shall receive one dollar per

diem, and where they live more than two miles from the court, they shall be allowed ten cents per mile for going to court and returning to their homes, where actual traveling has been done.

SECTION 205.—If any person summoned to appear as trial juror fails, refuses, or neglects to appear, he shall be considered guilty of contempt of court, and may be fined by the court in any sum not less than five dollars nor more than twenty-five dollars; and if any person, when second order or attachment is issued, neglects or refuses to appear, he may be fined as above provided and imprisoned by the court not longer than ten days in jail.

SECTION 206.—The Attorney General shall frame rules of procedure in jury trials and when not inconsistent with this Title they shall have the same force and effect as if incorporated therein. From time to time the said rules may be amended. They shall be printed in Spanish and English and copies supplied to the several courts, and, upon demand, to members of the bar. Such rules shall prescribe all necessary forms, notices and records required in jury trials.

CHAPTER II.

CHALLENGING THE JURY.

SECTION 207.—The defendant or his counsel may challenge trial jurors.

SECTION 208.—A challenge is an objection made to the trial jurors, and is of two kinds:

- 1.—To the panel.
- 2.—To an individual juror.

SECTION 209.—When several defendants are tried together, they cannot sever their challenges, but must join therein.

SECTION 210.—The panel is a list of jurors returned by the officer of the court to serve as jurors for said term, or for the trial of a particular action.

SECTION 211.—A challenge to the panel is an objection made to all the jurors returned, and may be taken by either party.

SECTION 212.—A challenge to the panel can be founded only on a material departure from the forms prescribed in respect to the drawing and return of the jury, or on the intentional omission to summon one or more of the jurors drawn.

SECTION 213.—A challenge to the panel must be taken before a juror is sworn, and may be in writing or be noted by the clerk, and must plainly and distinctly state the facts constituting the ground of challenge.

SECTION 214.—If the sufficiency of the facts alleged as ground of the challenge is denied, the adverse party may except to the challenge. The exception need not be in writing, but must be entered on the minutes of the court, and thereupon the court must proceed to try the sufficiency of the challenge, assuming the facts alleged therein to be true.

SECTION 215.—If, on the exception, the court finds the challenge sufficient, it may, if justice requires it, permit the party excepting to withdraw his exception, and to deny the facts alleged in the challenge. If the exception is allowed, the court may, in like manner, permit an amendment of the challenge.

SECTION 216.—If the challenge is denied, the denial may be oral, and must be entered on the minutes of the court, and the court must proceed to try the question of fact; and upon such trial, the officers, whether judicial or ministerial, whose irregularity is complained of, as well as any other persons, may be examined

to prove or disprove the facts alleged as the ground of the challenge.

SECTION 217.—When the panel is formed from persons whose names are not drawn as jurors, a challenge may be taken to the panel on account of any bias of the officer who summoned them, which would be good ground of challenge to a juror. Such challenge must be made in the same form, and determined in the same manner, as if made to a juror.

SECTION 218.—If, either upon an exception to the challenge or a denial of the facts, the challenge is allowed, the court must discharge the jury so far as the trial in question is concerned. If it is disallowed, the court must direct the jury to be impaneled.

SECTION 219.—Before a juror is called, the defendant must be informed by the court, or under its direction, that if he intends to challenge an individual juror he must do so when the juror appears, and before he is sworn.

SECTION 220.—A challenge to an individual juror is either:

- 1.—Peremptory; or,
- 2.—For cause.

SECTION 221.—It must be taken when the juror appears, and before he is sworn to try the cause; but the court may for cause permit it to be taken after the juror is sworn, and before the jury is completed.

SECTION 222.—A peremptory challenge can be taken by either party, and may be oral. It is an objection to a juror for which no reason need be given, but upon which the court must exclude him.

SECTION 223.—If the offense charged be punishable with death, or with imprisonment in the penitentiary for life, the defendant is entitled to fifteen and the gov-

ernment to eight peremptory challenges. On a trial for any other offense, the defendant is entitled to six and the government to three peremptory challenges.

SECTION 224.—A challenge for cause may be taken by either party. It is an objection to a particular juror and is either:

1.—General—that the juror is disqualified from serving in any case; or,

2.—Particular—that he is disqualified from serving in the action on trial.

SECTION 225.—General causes of challenge are.—

1.—A conviction for felony;

2.—A want of any of the qualifications prescribed by law to render a person a competent juror;

3.—Unsoundness of mind, or such defect in the faculties of the mind or organs of the body as renders him incapable of performing the duties of a juror.

SECTION 226.—Particular causes of challenge are of two kinds:

1.—For such a bias as, when the existence of the facts are ascertained, in judgment of law disqualifies the juror and which is known in this Code as implied bias;

2.—For the existence of a state of mind on the part of the juror in reference to the case, or to either of the parties, which will prevent him from acting with entire impartiality and without prejudice to the substantial rights of either party; such is known in this Code as actual bias.

SECTION 227.—A challenge for implied bias may be taken for all or any of the following causes, and for no other:

1.—Consanguinity or affinity within the fourth degree to the person alleged to be injured by the offense

charged, or on whose complaint the prosecution was instituted, or to the defendant;

2.—Standing in the relation of guardian and ward, attorney and client, master and servant, or landlord and tenant, or being a member of the family of the defendant, or of the person alleged to be injured by the offense charged, or on whose complaint the prosecution was instituted, or in his employment on wages;

3.—Being a party adverse to the defendant in a civil action, or having complained against or been accused by him in a criminal prosecution.

4.—Having served on a trial jury which has tried another person for the offense charged;

5.—Having been one of a jury formerly sworn to try the same charge; and whose verdict was set aside, or which was discharged without a verdict, after the case was submitted to it.

6.—If the offense charged be punishable with death, the entertaining of such conscientious opinions as would preclude his finding the defendant guilty; in which case he must neither be permitted nor compelled to serve as a juror.

7.—No person shall be disqualified as a juror by reason of having formed or expressed an opinion upon the matter or cause to be submitted to such jury, founded upon public rumor, statement in public journals, or common notoriety; provided, it appear to the court, upon his declaration, under oath or otherwise, that he can and will, notwithstanding such an opinion, act impartially and fairly upon the matters to be submitted to him. The challenge may be oral, but must be entered in the minutes of the court.

SECTION 228.—An exemption from service on a jury

is not a cause of challenge, but the privilege of the person exempted.

SECTION 229.—All challenges to an individual juror, except peremptory, must be taken, first by the defendant, or his counsel, and then by the prosecuting attorney, and each party must exhaust all his challenges before the other begins.

SECTION 230.—The challenges of either party for cause need not all be taken at once, but they must be taken separately in the following order, including in each challenge all the causes of challenge belonging to the same class:

1.—To the panel;

2.—To an individual juror, for a general disqualification;

3.—To an individual juror, for an implied bias;

4.—To an individual juror, for an actual bias.

SECTION 231.—If all the challenges on both sides are disallowed, either party, first the prosecuting attorney and then the defendant may take a peremptory challenge, unless the parties' peremptory challenges are exhausted.

CHAPTER III.

THE TRIAL.

SECTION 232.—In all trials by jury there shall be but one presiding judge who shall receive the appointment or assignment from time to time through the Attorney General as he may deem proper. In questions of new trials, however, there may be a full bench.

SECTION 233.—The jury having been impaneled, the judge or clerk of the court shall orally administer the following oath: "You and each of you do solemnly

swear that you will well and truly try the cause now pending before the court, and a true verdict render according to the evidence, so help you God". The trial must then proceed in the following order, unless otherwise directed by the court :

1.—After the jury is sworn, they must sit together and hear the proofs and allegations of the parties, which must be delivered in public, and in the presence of the defendant ;

2.—If the information be for felony, the secretary must read it, and state the plea of the defendant to the jury, and in cases where it charges a previous conviction, and the defendant has confessed the same, the clerk in reading it shall omit therefrom all that relates to such previous conviction. In all other cases this formality may be dispensed with ;

3.—The prosecuting attorney, or other counsel for the people, must open the cause and offer the evidence in support of the charge ;

4.—The defendant or his counsel may then open the defense, and offer his evidence in support thereof :

5.—The parties may then respectively offer rebutting testimony only, unless the court, for good reason, in furtherance of justice, permit them to offer evidence upon their original case ;

6.—When the evidence is concluded, unless the case is submitted to the jury on either side, or on both sides, without argument, the prosecuting attorney, or other counsel for the people, and counsel for the defendant, may argue the case to the court and jury ; the prosecuting attorney, or other counsel for the people, opening the argument, and having the right to close ;

7.—While a witness is under examination, the court may exclude all witnesses who have not been examined.

He may also cause the witnesses to be kept separate, and to be prevented from conversing with each other until they are examined ;

8.—The judge may then charge the jury, and must do so on any points pertinent to the issue, if requested by either party ; and he may state the testimony and declare the law.

SECTION 234.—When the state of the pleadings requires it, or in any other case, for good reasons, and in the sound discretion of the court, the order prescribed in the preceding section may be departed from.

SECTION 235.—If the information be for an offense punishable with death, two counsel on each side may argue the cause to the jury. If it be for any other offense, the court may, in its discretion, restrict the argument to one counsel on each side.

SECTION 236.—A defendant in a criminal action is presumed to be innocent until the contrary is proved, and in case of a reasonable doubt whether his guilt is satisfactorily shown, he is entitled to an acquittal.

SECTION 237.—When it appears that the defendant has committed a public offense, and there is reasonable ground of doubt in which of two or more degrees he is guilty, he can be convicted of the lowest of such degrees only.

SECTION 238.—When two or more defendants are jointly charge with a felony, any defendant requiring it must be tried separately. In other cases the defendants jointly charged may be tried separately or jointly in the discretion of the court.

SECTION 239.—When two or more persons are included in the same charge, the court may at any time before the defendants have gone into their defense, on the application of the prosecuting attorney, direct any

defendant to be discharged, that he may be a witness for the people.

* SECTION 240.—When two or more persons are included in the same information, and the court is of opinion that in regard to a particular defendant there is not sufficient evidence to put him on his defense, it must order him to be discharged before the evidence is closed, that he may be a witness for his co-defendant.

SECTION 241.—The order mentioned in the two preceding sections is an acquittal of the defendant discharged, and is a bar to another prosecution for the same offense.

SECTION 242.—The examination of a witness by the party producing him is denominated the direct examination; the examination of the same witness upon the same matter by the adverse party, the cross-examination.

SECTION 243.—The party producing a witness is not allowed to impeach his credit by evidence of bad character; but he may contradict him by other evidence, and may also show that he has made at other times statements inconsistent with his present testimony.

SECTION 244.—A witness may be impeached by the party against whom he was called, by contradictory evidence, or by evidence that his general reputation for truth, honesty, or integrity is bad, but not by evidence of particular wrongful acts, except that it may be shown by the examination of the witness, or the record of the judgment, that he has been convicted of a felony.

SECTION 245.—A witness may also be impeached by evidence that he has made at other times statements inconsistent with his present testimony; but before this can be done the statements must be related to

him, with the circumstances of time, places, and persons present, and he must be asked whether he made such statements, and if so, allowed to explain them. If the statements be in writing, they must be shown to the witness before any question is put to him concerning them.

SECTION 246.—Upon a trial for conspiracy, in a case where an overt act is necessary to constitute the offense, the defendant cannot be convicted unless one or more overt acts are expressly alleged in the information, nor unless one of the acts alleged is proved; but other overt acts not alleged may be given in evidence.

SECTION 247.—Upon a trial for murder, the commission of the homicide by the defendant being proved, the burden of proving circumstances of mitigation, or that justify or excuse it, devolves upon him, unless the proof on the part of the prosecution tends to show that the crime committed only amounts to manslaughter, or that the defendant was justifiable or excusable.

SECTION 248.—Upon a trial for bigamy, it is not necessary to prove either of the marriages by the register, certificate, or other record evidence thereof, but the same may be proved by such evidence as is admissible to prove a marriage; when and where the second marriage took place, proof of that fact, accompanied with proof of cohabitation thereafter in Porto Rico, is sufficient to sustain the charge.

SECTION 249.—Upon a trial for forging any bill or note purporting to be the bill or note of an incorporated company or bank, or for passing, or attempting to pass, or having in possession with intent to pass, any such forged bill or note, it is not necessary to prove the incorporation of such bank or company by the charter or act of incorporation, but it may be proved by general

reputation; and persons of skill are competent witnesses to prove that such bill or note is forged or counterfeited.

SECTION 250.—Upon a trial for procuring or attempting to procure an abortion, or aiding or assisting therein, or for inveigling, enticing, or taking away an unmarried female of previous chaste character, under the age of twenty-five years, for the purpose of prostitution, or aiding or assisting therein, the defendant cannot be convicted upon the testimony of the woman upon or with whom the offense was committed, unless she is corroborated by other evidence.

SECTION 251.—Upon a trial for the violation of any of the provisions of chapter VIII of Title XII of the Penal Code it is not necessary to prove the existence of any lottery in which any lottery ticket purports to have been issued, or to prove the actual signing of any such ticket or share, pretended ticket or share, of any pretended lottery, nor that any lottery ticket, share, or interest was signed or issued by the authority of any manager, or of any person assuming to have authority as manager; but in all cases proof of the sale, furnishing, bartering, or procuring of any ticket, share or interest therein, or of any instrument purporting to be a ticket, or part or share of any such ticket, is evidence that such share or interest was signed and issued according to the purport thereof.

SECTION 252.—Upon a trial for having, with an intent to cheat or defraud another designedly, by any false pretense, obtained the signature of any person to a written instrument, or having obtained from any person money, personal property, or valuable thing, the defendant cannot be convicted if the false pretense was expressed in language unaccompanied by a false token

or writing, unless the pretense, or some note or memorandum thereof, be in writing, subscribed by or in the handwriting of the defendant, or unless the pretense be proven by the testimony of two witnesses, or that of one witness and corroborating circumstances; but this section shall not apply to a prosecution for falsely representing or personating another, and, in such assumed character, marrying, or receiving any money or property.

SECTION 253.—A conviction cannot be had on the testimony of an accomplice, unless he is corroborated by other evidence, which in itself, and without the aid of the testimony of the accomplice, tends to connect the defendant with the commission of the offense; and the corroboration is not sufficient, if it merely shows the commission of the offense, or the circumstances thereof.

SECTION 254.—The court may direct the jury to be discharged, where it appears that it has not jurisdiction of the offense, or that the facts charged do not constitute an offense punishable by law,

SECTION 255.—If the jury be discharged because the court has not jurisdiction of the offense charged, and it appear that it was committed out of the jurisdiction of the court, the defendant must be discharged.

SECTION 256.—If the jury is discharged because the facts as charged do not constitute an offense punishable by law, the court must order that the defendant, if in custody, be discharged; or if admitted to bail, that his bail be exonerated; or if he has deposited money instead of bail, that the money be refunded to him unless in its opinion a new information can be framed, upon which the defendant can be legally convicted, in which case it may direct the prosecuting attorney to

file a new information; and the same proceedings must be had thereon as are prescribed in Sections 147 and 148.

SECTION 257.—If, at any time after the evidence on either side is closed, the court deems it insufficient to warrant a conviction, it shall peremptorily instruct the jury to acquit the defendant.

SECTION 258.—When, in the opinion of the court, it is proper that the jury should view the place in which the offense is charged to have been committed, or in which any other material fact occurred, it may order the jury to be conducted in a body, in the custody of an officer to the place, which must be shown to them by a person appointed by the court for that purpose; and such officer must be sworn to suffer no person to speak or communicate with the jury, nor to do so himself, on any subject connected with the trial and to return them into court without unnecessary delay, or at a specified time.

SECTION 259.—If a juror has any personal knowledge respecting a fact in controversy in a cause, he must declare the same in open court during the trial. If, during the retirement of the jury, a juror declare a fact which would be evidence in the cause, as of his own knowledge, the jury must return into court. In either of these cases, the juror making the statement must be sworn as a witness and examined in the presence of the parties.

SECTION 260.—The jurors sworn to try an action may at any time before the submission of the cause to the jury, in the discretion of the court, be permitted to separate or be kept in charge of a proper officer. The officer must be sworn to keep the jurors together until the next meeting of the court, to suffer no person to speak to them or communicate with them, nor to do so

himself, on any subject connected with the trial, and to return them into court at the next meeting thereof.

SECTION 261.—The jury must also, at each adjournment of the court, whether permitted to separate or kept in charge of officers, be admonished by the court that it is their duty not to converse among themselves, or with any one else, on any subject connected with the trial, or to form or express any opinion thereon until the cause is finally submitted to them.

SECTION 262.—If, before the conclusion of the trial, a juror becomes sick so as to be unable to perform his duty, the court may order him to be discharged. In that case, a new juror may be sworn, and the trial begun anew, or the jury may be discharged, and a new jury then or afterwards impaneled.

SECTION 263.—The court must decide all questions of law which arise in the course of a trial.

SECTION 264.—On a trial for libel, the jury has the right to determine the law and the fact.

SECTION 265.—On a trial for any other offense than libel, questions of law are to be decided by the court, questions of fact by the jury; and, although the jury have the power to find a general verdict, which includes questions of law as well as of fact, they are bound, nevertheless, to receive as law what is laid down as such by the court.

SECTION 266.—In charging the jury the court must state to them all matters of law necessary for their information. All instructions given (except such as might incidentally be given during the admission of evidence) shall be oral, unless both parties request the giving of written instruction, or consent thereto. Either party may present to the court any written charge, and request that it be given. If the court thinks it cor-

rect and pertinent, it must be given; if not, it must be refused. Upon each charge presented and given or refused, the court must indorse and sign its decision. If part be given and part refused, the court must distinguish, showing by the indorsement what part of the charge was given and what part refused.

SECTION 267.—After hearing the charge, the jury may either decide in court or may retire for deliberation. If they do not agree without retiring, an officer must be sworn to keep them together in some private and convenient place, and not to permit any person to speak to or communicate with them, nor to do so himself, unless by order of the court, or to ask them whether they have agreed upon a verdict, and to return them into court when they have so agreed, or when ordered by the court.

SECTION 268.—When a defendant who has given bail appears for trial, the court may, in its discretion, at any time after his appearance for trial, order him to be committed to the custody of the warden of the jail, to abide the judgement or further order of the court and he must be committed and held in custody accordingly,

SECTION 269.—If the prosecuting attorney fails to attend at the trial, the Attorney General must appoint some attorney-at-law to perform the duties of the prosecuting attorney on such trial.

SECTION 270.—Upon a trial for larceny or embezzlement of money, bank-notes, certificates of stock or valuable securities, the allegation of the information, so far as regards the description of the property, is sustained, if the offender be proved to have embezzled or stolen any money, bank-notes, certificates of stock, or valuable security, although the particular species of

coin or other money, or the number, denomination, or kind of bank-notes, certificates of stock, or valuable security, be not proved; and upon a trial for embezzlement, if the offender be proved to have embezzled any piece of coin or other money, any bank-note, certificate of stock, or valuable security, although such piece of coin or other money, or such bank-note, certificate of stock or valuable security, may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same and such part shall have been returned accordingly.

SECTION 271.—The cost in criminal cases shall be taxed as follows, and shall be paid by the defendant in cases of appeal from justices of the peace if the appeal be not prosecuted, or if prosecuted the judgment of the justice of the peace be affirmed. In cases other than appeals from the justice of the peace the same cost shall be taxed when a judgment of guilty is entered and shall be paid by the defendant, which shall be as follows:

1.—Fees for witnesses produced by the government, fifty cents a day and ten cents per mile going to and returning from court in all distances over three miles.

2.—In cases provided for in Section 270 the same fees shall be allowed witnesses for the defendant;

3.—For a deposition of a witness for the defendant fifty cents;

4.—For issuing a warrant of arrest twenty-five cents;

5.—For every necessary adjournment of a trial if on motion of the defendant, two dollars;

6.—For filing each paper required by law or pleading five cents;

- 7.—For furnishing copies to the defendant of all pleading except the information, fifteen cents per folio;
- 8.—For swearing each witness on trial, ten cents;
- 9.—For swearing a jury twenty-five cents;
- 10.—For a subpoena including all the names contained therein, twenty-five cents, and in no case can more than six subpoenas be allowed for;
- 11.—For receiving and entering a verdict, twenty-five cents;
- 12.—For warrant of commitment on sentence seventy-five cents;
- 13.—For record of conviction and filing the same, seventy-five cents;
- 14.—For a return of any writ of certiorari, twenty-five cents.

CHAPTER IV.

CONDUCT OF THE JURY AFTER THE CAUSE IS SUBMITTED TO THEM.

SECTION 272.—A room must be provided for the use of the jury, upon their retirement for deliberation, with suitable furniture, lights and stationery.

SECTION 273.—While the jury are kept together, either during the progress of the trial or after their retirement for deliberation, they must be provided with suitable and sufficient food and lodging by the court officer.

SECTION 274.—Upon retiring for deliberation, the jury may take with them, all papers (except depositions) which have been received as evidence in the cause, or copies of such public records or private documents given in evidence as ought not, in the opinion of the court, to be taken from the person having them

in possession. They may also take with them the written instructions, if any are given,

SECTION 275.—After the jury have retired for deliberation, if there be any disagreement between them as to the testimony, or if they desire to be informed on any point of law arising in the cause, they must require the officer in charge to conduct them into court. Upon being brought into court, the information required must be given in the presence, of, or after notice to the prosecuting attorney and the defendant or his counsel, or after they have been called.

SECTION 276.—If, after the retirement of the jury, one of them be taken so sick as to prevent the continuance of his duty, or any other accident or cause occur to prevent their being kept for deliberation, the jury may be discharged.

SECTION 277.—Except as provided in the preceding section, the jury cannot be discharged after the cause is submitted to them until they have agreed upon their verdict, and rendered it in open court, unless by consent of both parties, entered upon the minutes, or unless at the expiration of such time as the court may deem proper, it satisfactorily appears that there is no reasonable probability that the jury can agree.

SECTION 278.—In all cases where a jury is discharged or prevented from giving a verdict by reason of an accident or other cause except where the defendant is discharged during the progress of the trial, or after the cause is submitted to them, the cause may be again tried.

SECTION 279.—While the jury are absent, the court may adjourn from time to time, as to other business, but it must nevertheless be open for every purpose

connected with the cause submitted to the jury, until a verdict is rendered or the jury discharged.

CHAPTER V.

THE VERDICT

SECTION 280.—When the jury have agreed upon their verdict, they must be conducted into court by the officer having them in charge. Their names must then be called, and if all do not appear, the rest must be discharged without giving a verdict. In that case the action may be again tried at the same or another term.

SECTION 281.—In all cases of jury trial the defendant must, before the verdict is received, appear in person. If the trial is for a misdemeanor, the verdict may be rendered by the court in the absence of the defendant.

SECTION 282.—When the jury appear, they must be asked by the court, or clerk, whether they have agreed upon their verdict, and if the foreman answers in the affirmative, they must, on being required, declare the same.

SECTION 283.—A general verdict upon a plea of not guilty is either “guilty” or “not guilty”, which imports a conviction or acquittal of the offense charged in the information. Upon a plea of a former conviction or acquittal of the same offense, it is either “for the people”, or “for the defendant”. When the defendant is acquitted on the ground that he was insane at the time of the commission of the act charged, the verdict must be “not guilty by reason of insanity.”

SECTION 284.—Whenever a crime is distinguished into degrees, the jury, if they convict the defendant, must find the degree of the crime of which he is guilty.

SECTION 285.—Whenever the fact of a previous con-

viction of another offense is charged in an information, the jury, if they find a verdict of guilty of the offense with which he is charged, must also, unless the answer of the defendant admits the charge, find whether or not he has suffered such previous conviction. The verdict of the jury upon a charge of previous conviction may be: "We find the charge of previous conviction true" or, "We find the charge of previous conviction not true", as they find that the defendant has or has not suffered such conviction.

SECTION 286.—The jury may find the defendant guilty of any offense, the commission of which is necessarily included in that with which he is charged, or of an attempt to commit the offense.

SECTION 287.—On an information against several, if the jury cannot agree upon a verdict as to all, they may render a verdict as to those in regard to whom they do agree, on which a judgment must be entered accordingly, and the case as to the others may be tried by another jury.

SECTION 288.—When there is a verdict of conviction in which it appears to the court that the jury have mistaken the law, the court may explain the reason for the opinion, and direct the jury to reconsider their verdict, and if, after the reconsideration, they return the same verdict, it must be entered; but when there is a verdict of acquittal, the court cannot require the jury to reconsider it. If the jury render a verdict which is neither general nor special, the court may direct them to reconsider it, and it cannot be recorded until it is rendered in some form from which it can be clearly understood.

SECTION 289.—If the jury persist in finding an informal verdict, from which, however, it can be clearly understood that their intention is to find in favor of the

defendant upon the issue, it must be entered in the terms in which it is found, and the court must give judgment of acquittal. But no judgment of conviction can be given unless the jury expressly find against the defendant upon the issue.

SECTION 290.—When a verdict is rendered, and before it is recorded, the jury may be polled, at the request of either party, in which case they must severally be asked whether it is their verdict, and if any one answer in the negative, the jury must be sent out for further deliberation.

SECTION 291.—When the verdict given is such as the court may receive, the clerk must immediately record it in full upon the minutes, read it to the jury, and inquire of them whether it is their verdict. If any juror disagree, the fact must be entered upon the minutes, and the jury again sent out; but if no disagreement is expressed, the verdict is complete, and the jury must be discharged from the case.

SECTION 292.—If judgment of acquittal is given on a general verdict, and the defendant is not detained for any other legal cause, he must be discharged as soon as the judgment is given, except where the acquittal is because of a variance between the pleading and proof, which may be obviated by a new information, the court may order his detention, to the end that a new information may be preferred, in the same manner and with like effect as provided in Section 256.

SECTION 293.—If the jury render a verdict of acquittal on the ground of insanity, the court may order a jury to be summoned from the jury list, to inquire whether the defendant continues to be insane. The court may cause the same witnesses to be summoned who testified on the trial, and other witnesses, and di-

rect the prosecuting attorney to conduct the proceedings, and counsel may appear for the defendant. The court may direct the warden to take the defendant and retain him in custody until the question of continuing insanity is determined. If the jury find the defendant insane, he shall be committed to an asylum. If the jury find the defendant sane, he shall be discharged.

CHAPTER VI.

BILLS OF EXCEPTIONS.

SECTION 294.—On the trial of an information, exceptions may taken by the defendant to a decision of the court:

1.—In disallowing a challenge to the panel of the jury, or to an individual juror for implied bias.

2.—In admitting or rejecting testimony on the trial of a challenge to a juror for actual bias.

3.—In admitting or rejecting testimony, or in deciding any question of law not a matter of discretion, or in charging or instructing the jury upon the law on the trial of the issue.

SECTION 295.—When a party desires to have the exceptions taken at the trial settled in a bill of exceptions, the draft of a bill must be prepared by him and presented, upon notice of at least two days to the prosecuting attorney, to the judge for settlement, within ten days after judgment has been rendered against him, unless further time is granted by the judge, or by a judge of the Supreme Court, or within that period the draft must be delivered to the clerk of the court for the judge. When received by the clerk, he must deliver it to the judge, or transmit it to him at the earliest period practicable. When settled, the bill must

be signed by the judge and filed with the clerk of the court.

SECTION 296.—Exceptions may be taken by either party to the decision of a court or judge upon a matter of law;

1.—In granting or refusing a motion to set aside an information;

2.—In granting or refusing a motion in arrest of judgment;

3.—In granting or refusing a motion for a new trial;

4.—In making, or refusing to make an order after judgment affecting any substantial right of the parties.

SECTION 297.—Exceptions may be taken by the defendant to a decision of the court upon a matter of law;

1.—In refusing to grant a motion for a change of the place of trial;

2.—In refusing to postpone the trial on motion of the defendant.

SECTION 298.—Where a party desires to have the exceptions mentioned in the two preceding sections settled in a bill of exceptions, the draft of a bill must be prepared by him and presented, upon notice at least two days to the adverse party, to the judge, for settlement, within ten days after the order or ruling complained of is made, unless further time is granted by the judge, or by a judge of the Supreme Court, or within that period the draft must be delivered to the clerk of the court for the judge. When received by the clerk, he must deliver it to the judge, or transmit it to him at the earliest period practicable. When settled, the bill must be signed by the judge, and filed with the clerk of the court. If the judge in any case refuses to allow an exception in accordance with the facts, the party desiring the bill settled may apply by petition to

the Supreme Court to prove the same; the application may be made in the mode and manner, and under such regulations as that court may prescribe; and the bill, when proven, must be certified by the chief justice as correct, and filed with the clerk of the court in which the action was tried, and when so filed, it has the same force and effect as if settled by the judge who tried the cause. If the judge who presided at the trial ceases to hold office before the bill is tendered or settled, he may nevertheless settle such bill, or the party may, as provided in this section, apply to the Supreme Court to prove the same.

SECTION 299.—A bill of exceptions must contain so much of the evidence only as is necessary to present the questions of law upon which the exceptions were taken; and the judge must upon the settlement of the bill, whether agreed to by the parties or not strike out all other matters contained therein.

SECTION 300.—When written charges have been presented, given, or refused, or when the charges have been taken down by a reporter, the questions presented in such charges need not be excepted to or embodied in a bill of exceptions but the written charges or the report, with the indorsements showing the action of the court, form part of the record, and any error in the decision of the court thereon may be taken advantage of on appeal, in like manner as if presented in a bill of exceptions.

CHAPTER VII

NEW TRIALS.

SECTION 301.—A new trial is a re-examination of the issue in the same court, before another jury, after a verdict has been given.

SECTION 302.—The granting of a new trial places the parties in the same position as if no trial had been had. All the testimony must be produced anew, and the former verdict cannot be used or referred to either in evidence or in argument, or be pleaded in bar of any conviction which might have been had under the information.

SECTION 303.—When a verdict has been rendered against the defendant, the court may, upon his application, grant a new trial, in the following cases only:

1.—When the trial has been had in his absence, if the information is for a felony;

2.—When the jury has received any evidence out of court other than that resulting from a view of the premises;

3.—When the jury has separated without leave of the court, after retiring to deliberate upon their verdict, or been guilty of any misconduct by which a fair and due consideration of the case has been prevented;

4.—When the verdict has been decided by lot, or by any means other than a fair expression of opinion on the part of all the jurors;

5.—When the court has misdirected the jury in a matter of law, or has erred in the decision of any question of law arising during the course of the trial;

6.—When the verdict is contrary to law or evidence;

7.—When new evidence is discovered material to the defendant, and which he could not, with reasonable diligence, have discovered and produced at the trial. When a motion for a new trial is made upon the ground of newly-discovered evidence, the defendant must produce at the hearing in support thereof, the affidavits of the witnesses by whom such evidence is expected to

be given, and if time is required by the defendant to procure such affidavits, the court may postpone the hearing of the motion for such length of time as, under all the circumstances of the case, may seem reasonable.

SECTION 304.—The application for a new trial must be made before judgment.

CHAPTER VIII.

ARREST OF JUDGMENT.

SECTION 305.—A motion in arrest of judgment is an application on the part of the defendant that no judgment be rendered on a plea or verdict of guilty, or on a verdict against the defendant, on a plea of a former conviction or acquittal. It may be founded on any of the defects in the information mentioned in Section 153 unless the objection has been waived by a failure to demur, and must be made before or at the time the defendant is called for judgment.

SECTION 306.—The court may also, on its own view of any of these defects, arrest the judgments without motion.

SECTION 307.—The effect of allowing a motion in arrest of judgment is to place the defendant in the same situation in which he was before the information was filed.

SECTION 308.—If, from the evidence on the trial, there is reason to believe the defendant guilty, and a new information can be framed upon which he may be convicted, the court may order him to be recommitted to the officer of the proper district, or admitted to bail anew to answer the new information. If the evidence shows him guilty of another offense, he must be committed or held thereon, and in neither case shall the

verdict be a bar to another prosecution. But if no evidence appears sufficient to charge him with any offense he must, if in custody, be discharged; or if admitted to bail, the bail is exonerated; or if money has been deposited instead of bail, it must be refunded to the defendant; and the arrest of judgment shall operate as an acquittal of the charge upon which the information was founded.

TITLE VIII.

OF JUDGMENT AND EXECUTION,

CHAPTER I.

THE JUDGMENT

SECTION 309.—After a plea or verdict of guilty, or after a verdict against the defendant on the plea of a former conviction or acquittal, if the judgment be not arrested or a new trial granted, the court must appoint a time for pronouncing judgment, which, in cases of felony, must be at least two days after the verdict, if the court intend to remain in session so long; but if not, then at as remote a time as can reasonably be allowed.

SECTION 310.—Upon a plea of guilty of a crime distinguished or divided into degrees, the court must, before passing sentence, determine the degree.

SECTION 311.—For the purpose of judgment, if the conviction is for felony, the defendant must be personally present; if for a misdemeanor, judgment may be pronounced in his absence.

SECTION 312.—When the defendant is in custody, the court may direct the officer in whose custody he is to bring him before it for judgment, and the officer must do so.

SECTION 313.—If the defendant has been discharged on bail, or has deposited money instead thereof, and does not appear for judgment when his personal appearance is necessary, the court, in addition to the forfeiture of the undertaking of bail, or of the money deposited, may direct the clerk to issue a bench warrant for his arrest.

SECTION 314.—The clerk, on the application of the prosecuting attorney, may, at any time after the order, whether the court be sitting or not, issue a bench warrant into one or more districts.

SECTION 315.—The bench-warrant must be substantially in the following form: "District of.....

"The People of Porto Rico" (to the marshal, policeman, Insular Police of Porto Rico or other officer). That.....having been on the..... day of..... A. D. 19.....duly convicted in the District Court of..... district, of the crime of (designating the crime) you are therefore commanded forthwith to arrest the above named... .. and bring him before that court for judgment. Given under my hand and seal of said court affixed, this.....day of..... A. D. 19.....By order of the said court.

(SEAL)

Signed by the clerk.

SECTION 316.—The bench-warrant may be served in the same manner as a warrant of arrest of that district.

SECTION 317.—Whether the bench-warrant is served in the district in which it was issued or in another district, the officer must arrest the defendant and bring him before the court, or commit him to the officer mentioned in the warrant, according to the command thereof.

SECTION 318.—When the defendant appears for judg-

ment, he must be informed by the court, or by the clerk, under its direction, of the nature of charge against him, and of his plea, and the verdict, if any thereon, and must be asked whether he has any legal cause to show why judgment should not be pronounced against him.

SECTION 319.—If no sufficient cause is alleged or appears to the court why judgment should not be pronounced, it must thereupon be rendered.

SECTION 320.—After a plea or verdict of guilty, where a discretion is conferred upon the court as to the extent of the punishment, the court, upon the oral suggestion of either party that there are circumstances which may be properly taken into view either in aggravation or mitigation of the punishment, may, in its discretion, hear the same summarily, at a specified time, and upon such notice to the adverse party as it may direct.

SECTION 321.—The circumstances must be presented by the testimony of witnesses examined in open court, except that when a witness is so sick or infirm as to be unable to attend, his disposition may be taken by a justice of the peace of the district, out of court, upon such notice to the adverse party as the court may direct. No affidavit or testimony, or representation of any kind, verbal or written, can be offered to or received by the court, or a judge thereof, in aggravation or mitigation of the punishment except as provided in this and the preceding section.

SECTION 322.—A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine be satisfied. But the judgment must specify the extent of the imprisonment, which must not exceed one day for every dollar of the fine, nor extend in any case beyond the term for which the defendant might be sen-

tenced to imprisonment for the offense of which he has been convicted.

SECTION 323.—Whenever any defendant is committed to jail for the failure to pay any fine and costs adjudged against him, and has failed to prove to the satisfaction of the court, or judge thereof, that he is unable to pay the same, or any part thereof, the court must order that he be discharged from custody when he has served one day for every dollar of such fine; but this does not discharge the judgment for fine and costs, which may at any time thereafter, within the time limited by law, be collected upon execution issued thereon.

SECTION 324.—In all cases of conviction for felony the court sentencing any person convicted, must attach to the sentence of imprisonment the provision that such imprisonment be at hard labor; and whenever a jury designate in their verdict any term of imprisonment, the same means imprisonment at hard labor.

SECTION 325.—A judgment that the defendant pay a fine constitutes a lien, in like manner as a judgment for money rendered in a civil action.

SECTION 326.—When judgment upon a conviction is rendered, the clerk must enter the same in the minutes, stating briefly the offense for which the conviction was had, and the fact of prior conviction, (if one) and must, within five days, annex together and file the following papers, which will constitute a record of the action:

- 1.—The information, and a copy of the minutes of the plea or demurrer.
- 2.—A copy of the minutes of the trial.
- 3.—The charges given or refused, and the indorsements thereon, and;
- 4.—A copy of the judgment.

CHAPTER II.

THE EXECUTION.

SECTION 327.—When a judgment, other than of death, has been pronounced, a certified copy of the entry thereof upon the minutes must be forthwith furnished to the officer whose duty it is to execute the judgment, and no other warrant or authority is necessary to justify or require its execution.

SECTION 328.—If the judgment is for a fine alone, execution may be issued thereon attaching the property of the defendant.

SECTION 329.—If the judgment is for imprisonment, or a fine, and imprisonment until it be paid, the defendant must forthwith be committed to the custody of the proper officer, and by him detained until the judgment is complied with.

SECTION 330.—If the judgment is for imprisonment in the penitentiary, the proper officer of the court must, upon receipt of a certified copy thereof, take and deliver the defendant to the warden of the penitentiary. He must also deliver to the warden the certified copy of the judgment, and take from the warden a receipt for the defendant.

SECTION 331.—When judgment of death is rendered, a warrant, signed by the judge and attested by the clerk, under the seal of the court, must be drawn and delivered to the court officer. It must state the conviction and judgment and appoint a day on which the judgment is to be executed, which must not be less than sixty nor more than ninety days from the time of judgment, and must direct said officer to deliver the defendant, within ten days from the time of judgment, to the warden of the penitentiary, for execution.

SECTION 332.—The judge of the court of which a conviction requiring judgment of death is had, must, immediately after the conviction, transmit to the Governor, by mail or otherwise, a statement of the conviction and judgment, and of the testimony given at the trial.

SECTION 333.—The Governor may thereupon require the opinion of the judges of the Supreme Court and of the Attorney General, or any of them, upon the statement so furnished.

SECTION 334.—No judge, court, or officer, other than the Governor, can suspend the execution of a judgment of death, as provided in the six succeeding sections, unless an appeal is taken.

SECTION 335.—If, after judgment of death, there is good reason to suppose that the defendant has become insane, the warden of the penitentiary to whom he is delivered for execution, with the concurrence of the court of the district in which such conviction was had, may summon from the list of jurors selected by the commissioner for the year, a jury of twelve persons, to inquire into the supposed insanity, and must give immediate notice thereof to the prosecuting attorney of such district.

SECTION 336.—The prosecuting attorney must attend the inquisition, and may produce witnesses before the jury for which purpose he may issue process in the same manner as for witnesses to attend a trial before the court, and disobedience thereto may be punished in like manner as disobedience to process issued by the court.

SECTION 337.—A certificate of the inquisition must be signed by the jurors and the warden, and filed with the clerk of the court of the district.

SECTION 338.—If it is found by the inquisition that the defendant is sane the warden must execute the judgment but if it is found that he is insane, the warden must suspend the execution of the judgment until he receives a warrant from the Governor, or from the judge of the District Court where the judgment was rendered directing the execution of the judgment. If the inquisition finds that the defendant is insane, the warden must immediately transmit it to the Governor who may when the defendant becomes sane, issue a warrant appointing a day for the execution of the judgment.

SECTION 339.—If there is good reason to suppose that a female against whom a judgment of death is rendered is pregnant, the warden of the penitentiary to whom she is delivered for execution, with the concurrence of the prosecuting attorney, may summon a jury of three physicians to inquire into the supposed pregnancy. Immediate notice thereof must be given to the prosecuting attorney of said district and the provisions of Sections 336 and 337 then apply to the proceedings upon the inquisition.

SECTION 340.—If it is found by the inquisition that the female is not pregnant, the warden must execute the judgment; if it is found that she is pregnant, the warden must suspend the execution of the judgment, and transmit the inquisition to the Governor. When the Governor is satisfied that the female is no longer pregnant, he may issue his warrant appointing a day for the execution of the judgment.

SECTION 341.—If for any reason a judgment of death has not been executed, and it remains in force, the court in which the conviction is had, on the application of the prosecuting attorney of the district in which the conviction is had, must order the defendant to be

brought before it, or if he is at large, a warrant for apprehension may be issued. Upon the defendant being brought before the court, it must inquire into the facts, and if no legal reasons exist against the execution of the judgment, must make an order that the warden of the penitentiary to whom the court officer is directed to deliver the defendant shall execute the judgment at a specified time. The warden must execute the judgment accordingly.

SECTION 342.—The punishment of death must be inflicted by hanging the defendant by the neck until he is dead.

SECTION 343.—A judgment of death must be executed within the walls of the penitentiary. The warden of the penitentiary must be present at the execution, and must invite the presence of a physician, the Attorney General of Porto Rico, and at least twelve reputable citizens, to be selected by him; and he shall, at the request of the defendant, permit such ministers of the gospel, not exceeding two, as the defendant may name, and any persons, relatives, or friends, not to exceed five, to be present at the execution, together with such peace officers as he may think expedient, to witness the execution. But no other persons than those mentioned in this section can be present at the execution, nor can any person under age be allowed to witness the same.

SECTION 344.—After the execution, the warden must make a return upon the death warrant to the court by which the judgment was rendered, showing the time made, and manner in which it was executed.

TITLE IX.

OF APPEALS TO THE SUPREME COURT.

CHAPTER I.

APPEALS, WHEN ALLOWED AND HOW TAKEN, AND THE
EFFECT THEREOF.

SECTION 345.—Either party in a criminal action amounting to a felony, may appeal to the Supreme Court, on questions of law alone, as prescribed in this chapter.

SECTION 346.—The party appealing is known as the appellant, and the adverse party as the respondent, but the title of the action is not changed in consequence of the appeal.

SECTION 347.—An appeal may be taken by the defendant:

- 1.—From a final judgment of conviction;
- 2.—From an order denying a motion for a new trial;
- 3.—From an order made after judgment, affecting the substantial rights of the party.

SECTION 348.—An appeal may be taken by the People:

- 1.—From an order setting aside the information;
- 2.—From a judgment for the defendant on a demurrer to the information;
- 3.—From an order granting a new trial;
- 4.—From an order arresting judgment;
- 5.—From an order made after judgment, affecting the substantial rights of the people;
- 6.—From an order of the court directing the jury to find for the defendant.

SECTION 349.—An appeal from a judgment must be taken within six months after its rendition, and from an order, within sixty days after it is made.

SECTION 350.—An appeal is taken by filing with the clerk of the court in which the judgment or order appealed from is entered or filed, a notice stating the appeal from the same, and serving a copy thereof upon the attorney of the adverse party.

SECTION 351.—If personal service of the notice cannot be made, the judge of the court in which the action was tried, upon proof thereof, may make an order for the publication of the notice in some newspaper for a period not exceeding thirty days. Such publication is equivalent to personal service.

SECTION 352.—An appeal taken by "The People" in no case stays or affects the operation of a judgment in favor of the defendant, until judgment is reversed.

SECTION 353.—An appeal to the Supreme Court from a judgment of conviction, stays the execution of the judgment in all capital cases, and in all other cases upon filing with the clerk of the court in which the conviction was had, a certificate of the judge of such court, or of a judge of the Supreme Court, that, in his opinion, there is a probable cause for the appeal, but not otherwise.

SECTION 354.—If the certificate provided for in the preceding section is filed, the warden must, if the defendant be in his custody upon being served with a copy thereof keep the defendant in his custody without executing the judgment and detain him to abide the judgment on appeal.

SECTION 355.—If before the granting of the certificate, the judgment has commenced, the further execution thereof is suspended, and upon service of a copy of such certificate the defendant must be restored, by the officer in whose custody he is, to his original custody.

SECTION 356.—Upon the appeal being taken, the

clerk of the court with whom the notice of appeal is filed must, within twenty days thereafter, in case the bill of exceptions has been signed by the judge before the giving of said notice, but if not, then within twenty days from the signing of the bill of exceptions, without charge, transmit to the clerk of the Supreme Court ten printed or typewritten copies (one of which shall be certified to and be the original) of the notice of appeal, the record, and of all bills of exceptions; and, upon the receipt thereof, the clerk of the Supreme Court must file the original, and deliver one to each of the judges and the prosecuting attorney, and all his services as provided herein must be without charge. The clerk of the lower court must also within the time above specified serve printed copies of the above named papers, without charge, upon the defendant's attorney and upon the Attorney General.

SECTION 357.—The Supreme Court shall make rules for the regulation of costs in all cases of appeal, provided such costs shall not exceed seventy-five dollars. All costs and fees shall be paid to the clerk thereof who shall pay over the same to the Treasurer at the end of each month. Section 18 shall also apply to the clerk of the Supreme Court.

CHAPTER II.

DISMISSING AN APPEAL FOR IRREGULARITY.

SECTION 358.—If the appeal is irregular in any substantial particular, but not otherwise, the Supreme Court may, on any day, on motion of the respondent, upon five day's notice, accompanied with copies of the papers upon which the motion is founded, order it to be dismissed.

SECTION 359.—The court may also, upon like motion,

dismiss the appeal, if the return is not made as provided in Section 356 unless for good cause they enlarge the time for that purpose.

CHAPTER III.

ARGUMENT OF THE APPEAL.

SECTION 360.—All appeals in criminal cases must be heard and determined by the Supreme Court within one hundred and twenty days after the record is filed in said Supreme Court, unless continued on motion or with the consent of the defendant.

SECTION 361.—The defendant need not personally appear in the Supreme Court.

CHAPTER IV.

JUDGMENT UPON APPEAL.

SECTION 362.—After hearing the appeal, the Supreme Court must give judgment without regard to technical errors or defects, or to exceptions, which do not affect the substantial rights of the parties.

SECTION 363.—Upon an appeal taken by the defendant from a judgment, the court may review any intermediate order or ruling involving the merits, or which may have affected the judgment.

SECTION 364.—The Supreme Court may reverse, affirm, or modify the judgment or order appealed from, and may set aside, affirm, or modify any or all of the proceedings subsequent to, or dependent upon, such judgment or order, and may, if proper, order a new trial.

SECTION 365.—When a new trial is ordered, it must be directed to be had in the court of the district from which the appeal was taken.

SECTION 366.—If a judgment against the defendant is reversed without ordering a new trial, the Supreme Court must, if he is in custody, direct him to be discharged therefrom; or if on bail, that his bail be exonerated; or if money was deposited instead of bail, that it be refunded to the defendant.

SECTION 367.—If a judgment against the defendant is affirmed, the original judgment must be enforced.

SECTION 368.—When the judgment of the Supreme Court is given, it must be entered in the minutes, and a certified copy of the entry forthwith remitted to the clerk of the court from which the appeal was taken.

SECTION 369.—After the certificate of the judgment has been remitted to the court below, the Supreme Court has no further jurisdiction of the appeal or of the proceedings thereon, and all orders necessary to carry the judgment into effect must be made by the court to which the certificate is remitted.

TITLE X.

BAIL.

CHAPTER 1.

DEFENDANT ADMITTED TO BAIL.

SECTION 370.—Admission to bail is the order by a judge of a competent court that the defendant be discharged from actual custody upon bail.

SECTION 371.—The taking of bail consists in the acceptance by a competent court of the undertaking of sufficient bail for the appearance of the defendant, according to the terms of the undertaking, or that the bail will pay to The People of Porto Rico a specified sum. In no case shall excessive bail be required.

SECTION 372.—A defendant charged with an offense

punishable with death cannot be admitted to bail, when the proof of his guilt is evident or the presumption thereof great. The filing of an information does not add to the strength of the proof or the presumptions to be drawn therefrom.

SECTION 373.—If the charge is for any other offense he may be admitted to bail before conviction.

SECTION 374.—After conviction of an offense not punishable with death, a defendant who has appealed may be admitted to bail.

1.—As a matter of right, when the appeal is from a judgment imposing a fine only.

2.—As a matter of discretion in all other cases.

SECTION 375.—If the offense is bailable, the defendant may be admitted to bail before conviction:

1.—For his appearance before a justice of the peace, on the examination of the charge, before being held to answer.

2.—To appear at the court to which the justice of the peace is required to return the complaint and warrant, upon the defendant being held to answer after examination.

3.—After the information is filed and before the bench warrant is issued for his arrest, or upon any order of the court committing him, or enlarging the amount of bail, or upon his being surrendered by his bail to answer the information in the court in which it is found or to which it may be transferred for trial.

And after conviction, and upon an appeal:

1.—If the appeal is from a judgment imposing a fine only, on the undertaking of bail that he will pay the same, or such part of it as the Supreme Court may direct, if the judgment is affirmed or modified, or the appeal is dismissed.

2.—If judgment of imprisonment has been given, that he will surrender himself in execution of the judgment, upon its being affirmed or modified, or the judgment be reversed, and that the cause be remanded for a new trial, that he will appear in the court to which said cause may be remanded, and submit himself to the orders and process thereof.

SECTION 376.—When the admission to bail is a matter of discretion, the court or officer to whom the application is made must require reasonable notice thereof to be given to the prosecuting attorney of the district.

CHAPTER II.

BAIL UPON BEING HELD TO ANSWER BEFORE INFORMATION.

SECTION 377.—When the defendant has been held to answer upon an examination for a public offense, the admission to bail may be by the officer by whom he is so held, or by any magistrate who has power to issue the writ of habeas corpus,

SECTION 378.—Bail is a written undertaking, executed by two sufficient sureties, (with or without the defendant, in the discretion of a judge or justice and acknowledged before a judge or justice, in substantially the following form:

‘An order having been made on the..... day of A. D. nineteen..... by..... (as the officer may be) that..... be held to answer upon a charge of (stating briefly the nature of the offense) upon which he has been admitted to bail in the sum of dollars; we..... and and..... (stating their place of residence and occupation) hereby undertake that the above named

..... will appear and answer the charge above mentioned, in whatever court it may be prosecuted, and will at all times hold himself amenable to the order and process of the court, and if convicted, will appear for judgment, and render himself in execution thereof ; or, if he fails to perform either of these conditions, that we will pay to "The People of Porto Rico" the sum of..... dollars" (inserting the sum in which the defendant is admitted to bail).

SECTION 379.—The qualifications of sureties are as follows :

1.—Each of them must be a resident and a taxpayer on real estate; but the court or justice of the peace may refuse to accept any person as bail who is not a resident of the district where bail is offered.

2.—They must each be worth the amount specified in the undertaking, exclusive of property exempt from execution; but the court or justice, on taking bail, may allow more than two sureties to justify severally in amounts less than that expressed in the undertaking, if the whole justification be equivalent to that of sufficient bail.

SECTION 380.—The sureties must in all cases justify by affidavit taken before the officer accepting bail, that they each possess the qualifications provided in the preceding section. The officer may further examine the bail upon oath concerning their sufficiency, in such manner as he may deem proper.

SECTION 381.—Upon the allowance of bail and the execution of the undertaking, the officer must, if the defendant is in custody, make and sign an order for his discharge, upon the delivery of which to the proper officer, the defendant must be discharged.

CHAPTER III.

BAIL UPON AN INFORMATION BEFORE CONVICTION.

SECTION 382.—When the offense charged is not punishable with death, the officer serving the warrant must, if required, take the defendant before a justice of the peace in the district in which it is issued, or in which he is arrested, for the purpose of giving bail.

SECTION 383.—If the offense charged is punishable with death, the officer arresting the defendant must deliver him into custody, according to the command of the bench-warrant.

SECTION 384.—When the defendant is so delivered into custody, he must be held by the warden, unless admitted to bail on examination upon a writ of habeas corpus.

SECTION 385.—The bail must be a written undertaking, executed by two sufficient sureties, (with or without the defendant, in the discretion of the court or justice) and acknowledged before the court or justice, in substantially the following form:

“An information having been filed on the..... day of..... A. D. nineteen....., in the District Court of the district of..... charging..... with the crime of..... (designating it generally) and he having been admitted to bail in the sum of..... dollars, we..... and..... of..... (stating their place of residence and occupation) hereby undertake that the above-named..... will appear and answer the information above mentioned, in whatever court it may be prosecuted, and will at all times render himself amenable to the orders and process of the court, and if convicted, will

appear for judgment and render himself in execution thereof; or, if he fails to perform either of these conditions, that we will pay to "The People of Porto Rico" the sum of dollars" (inserting the sum in which the defendant is admitted to bail),

Undertaking.—The justification forms no part of the contract, and in no manner affects the liability of the sureties.

SECTION 386.—The provisions contained in Sections 379, 380 and 381 in relation to bail before information, apply to bail after information.

SECTION 387.—After a defendant has been admitted to bail upon an information, the court in which the charge is pending, may upon good cause shown, either increase or reduce the amount of bail. If the amount be increased, the court may order the defendant to be committed to actual custody, unless he give bail in such increased amount. If application be made by the defendant for a reduction of the amount, notice of the application must be served upon the prosecuting attorney.

CHAPTER IV.

BAIL ON APPEAL.

SECTION 388.—In cases in which the defendant may be admitted to bail upon an appeal, the order admitting him to bail may be made by any magistrate having the power to issue a writ of habeas corpus, or by the judge or justice before whom the trial was had.

SECTION 389.—The sureties must possess the qualifications, in all respects, provided in Chapter two of this Title, except that the undertaking must be conditioned as prescribed in Section three hundred and seventy five for undertakings of bail on appeal.

CHAPTER V.

DEPOSIT INSTEAD OF BAIL.

SECTION 390.—The defendant, at any time after an order admitting him to bail, instead of giving bail, may deposit with clerk of the court in which he is held to answer, the sum mentioned in the order, and upon delivering to the officer in whose custody he is a certificate of the deposit must be discharged from custody.

SECTION 391.—If the defendant has given bail, he may, at any time before the forfeiture of the undertaking, in like manner deposit the sum mentioned in the recognizance, and upon the deposit being made the bail is exonerated.

SECTION 392.—When money has been deposited, if it remains on deposit at the time of a judgment for the payment of a fine, the clerk must, under the direction of the court, apply the money in satisfaction thereof, and after satisfying the fine and costs, must refund the surplus, if any, to the defendant.

CHAPTER VI.

SURRENDER OF THE DEFENDANT.

SECTION 393.—At any time before the forfeiture of their undertaking the bail may surrender the defendant in their exoneration, or he may surrender himself, to the officer to whose custody he was committed at the time of giving bail, in the following manner:

1.—A certified copy of the undertaking of the bail must be delivered to the officer, who must detain the defendant in his custody thereon as upon a commitment, and by a certificate in writing acknowledge the surrender.

2.—Upon the undertaking and the certificate of the officer, the court in which the action or appeal is pending may, upon notice of five days to the prosecuting attorney of the district, with a copy of the undertaking and certificate, order that the bail be exonerated, and on filing the order and the papers used on the application, they are exonerated accordingly.

SECTION 394.—For the purpose of surrendering the defendant, the bail, at any time before they are finally discharged, and at any place within Porto Rico, may themselves arrest him, or by a written authority, indorsed on a certified copy of the undertaking, may empower any person of suitable age and discretion to do so.

SECTION 395.—If money has been deposited instead of bail, and the defendant, at any time before the forfeiture thereof, surrenders himself to the officer to whom the commitment was directed, in the manner provided in the two preceeding sections, the court must order a return of the deposit to the defendant, upon producing the certificate of the officers showing the surrender, and upon a notice of five days to the prosecuting attorney, with a copy of the certificate.

CHAPTER VII.

FORFEITURE OF THE UNDERTAKING OF BAIL OR OF THE DEPOSIT OF MONEY.

SECTION 396.—If, without sufficient excuse, the defendant neglects to appear for arraignment or for trial or judgment, or upon any other occasion when his presence in court may be lawfully required, or to surrender himself in execution of the judgment, the court must direct the fact to be entered upon its minutes, and the undertaking of bail, or the money deposited instead of

bail, as the case may be, is thereupon declared forfeited. But if at any time before the final adjournment of the court, the defendant or his bail appear and satisfactorily excuse his neglect the court may direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just.

SECTION 397.--If the forfeiture is not discharged, as provided in the preceding section, the prosecuting attorney may at any time after the adjournment of the court proceed by action only against the bail upon their undertaking.

SECTION 398.--If, by reason of the neglect of the defendant to appear, money deposited instead of bail is forfeited, and the forfeiture is not discharged or remitted, the clerk with whom it is deposited must, within twenty days after the same has been forfeited pay over the same to the insular Treasurer.

SECTION 399.--In all cases of the forfeiture of bail bond the court shall enter judgment thereon summarily against the sureties and thereupon execution shall issue to enforce payment of the judgment.

CHAPTER VIII.

RECOMMITMENT OF THE DEFENDANT, AFTER HAVING GIVEN BAIL OR DEPOSITED MONEY INSTEAD OF BAIL.

SECTION 400.--The court to which the justice of the peace returns the depositions, or in which an information, or appeal is pending, or to which a judgment on appeal is remitted to be carried into effect, may, by an order entered upon its minutes, direct the arrest of the defendant and his commitment to the officer to whose custody he was committed at the time of giving bail, and his detention until legally discharged, in the following cases :

1.—When, by reason of his failure to appear, he has incurred a forfeiture of his bail, or of money deposited instead thereof ;

2.—When is satisfactorily appears to the court that his bail, or either of them, are dead or insufficient, or have removed from Porto Rico:

3.—Upon an information filed in the cases provided in Section 139.

SECTION 401.—The order for the commitment of the defendant must recite generally the facts upon which it is founded, and direct that the defendant be arrested by any marshal, policeman, or other peace officer, and committed to the officer in whose custody he was at the time he was admitted to bail, to be detained until legally discharged.

SECTION 402.—The defendant may be arrested pursuant to the order upon a certified copy thereof, in any district in the same manner as upon a warrant of arrest.

SECTION 403.—If the order recites, as the ground upon which it is made, the failure of the defendant to appear for judgment upon conviction, the defendant must be committed according to the requirement of the order.

SECTION 404.—If the order be made for any other cause, and the offense is bailable, the court may fix the amount of bail, and may cause a direction to be inserted in the order that the defendant be admitted to bail in the sum fixed, which must be specified in the order.

SECTION 405.—When the defendant is admitted to bail, the bail may be taken by any justice of the peace in the district having authority in a similar case to admit to bail, upon the holding of the defendant to answer before an information is filed, or by any other justice of the peace designated by the court.

SECTION 406.—When the bail is taken upon the recommitment of the defendant, the undertaking must be in substantially the following form :

“An order having been made on the day of A. D. nineteen, by the court, (naming it) that be admitted to bail in the sum of . . . dollars, in an action pending in that court against him in behalf of “The People of Porto Rico”, upon an (information, or appeal, as the case may be) we and of (stating their places of residence and occupation), hereby undertake that the above-named.... will appear in that or any other court in which his appearance may be lawfully required upon that (information, or appeal, as the case may be), and will at all times render himself amenable to its orders and process, and appear for judgment and surrender himself in execution thereof; or, if he fails to perform either of these conditions, that we will pay to “The People of Porto Rico)” the sum of dollars” (insert the sum in which the defendant is admitted to bail).

TITLE XI. .

MISCELLANEOUS PROCEEDINGS.

CHAPTER I.

COMPELLING THE ATTENDANCE OF WITNESSES.

SECTION 407.—The process by which the attendance of a witness before a court or justice of the peace is required is a subpoena. It may be signed and issued by:

1.--A justice of the peace before whom a complaint is laid, for witnesses in Porto Rico, either on behalf of The People or of the defendant;

2.--The prosecuting attorney for witnesses in sup-

port of the prosecution, or for such other witnesses as the jury, upon a trial pending before them, may direct.

3.—A judge of any court may order a subpoena for any witness.

4.—The prosecuting attorney, for witnesses in support of an information, to appear before the court in which it is to be tried.

5.—The clerk of the court in which an information is to be tried; and he must, at any time, upon application of the defendant, and without charge, issue subpoenas for witnesses for him.

SECTION 408.—A subpoena authorized by the preceding section must be substantially in the following form:

“The People of Porto Rico to:

You are commanded to appear before (the District Court or a justice of the peace of district (or as the case may be), at (naming the place) on (stating the day and hour), as a witness in a criminal action prosecuted by “The People of Porto Rico” against.

“Given under my hand this day of A. D. nineteen (justice of the peace, prosecuting attorney,” or “By order of the court. clerk,” or as the case may be). If books, papers, or documents are required, a direction to the following effect must be contained in the subpoena: “And you are required, also to bring with you the following” (describing intelligibly the books, papers, or documents required.)

SECTION 409.—A subpoena may be served by any person, but a peace officer must serve in his district any subpoena delivered to him for service, either on the part of “The People” or of the defendant, and must, without delay, make a written return of the service,

subscribed by him, stating the time and place of service. The service is made by showing the original to the witness personally, and informing him of its contents.

SECTION 410.—When a person attends before a justice of the peace, prosecuting attorney, or court, as a witness in a criminal case, upon a subpoena or in pursuance of an undertaking to testify on behalf of the prosecution, and it appears that he has come from a place outside of the district, or that he is poor and unable to pay the expenses of such attendance, the court in its discretion, if the attendance of the witness be upon a trial by an order upon its minutes, or in any other case, the judge, at his discretion, by a written order, may direct the clerk of the court to pay the witness a reasonable sum to pay his expenses, which shall be charged against his per diem.

SECTION 411.—Disobedience to a subpoena, or a refusal to be sworn or to testify as a witness, may be punished by the court or justice of the peace as a contempt. A witness disobeying a subpoena issued on the part of the defendant, unless he show good cause for his non-attendance, is liable to the defendant in the sum of one hundred dollars, which may be recovered in a civil action.

SECTION 412.—When a witness has entered into an undertaking to appear, upon his failure to do so the undertaking is forfeited in the same manner as undertakings of bail.

SECTION 413.—When the testimony of a material witness for The People is required in a criminal action, before a court and such witness is a prisoner in the penitentiary, or in jail, an order for his temporary removal from such penitentiary or jail, and for his production before such court may be made by the court

in which the action is pending, or by the judge thereof; but in case the penitentiary or jail is out of the district in which the application is made, such order shall only be made upon the affidavit of the prosecuting attorney, or other person, on behalf of The People, showing that the testimony is material and necessary; and even then the granting of the order shall be in the discretion of the court or judge. The order shall be executed by the officer of the court in which it shall be made, whose duty it shall be to bring the prisoner before the proper court, to safely keep him, and when he is no longer required as a witness, to return him to the penitentiary or jail whence he was taken; the expense of executing such order shall be paid from the funds of said court in which the order shall be made.

CHAPTER II.

EXAMINATION OF WITNESSES CONDITIONALLY.

SECTION 414.—When a defendant has been held to answer charge for a public offense, he may, either before or after an information is filed, have witnesses examined conditionally, on his behalf, as prescribed in this chapter, and not otherwise.

SECTION 415.—When a material witness for the defendant is about to leave Porto Rico, or is so sick or infirm as to afford reasonable grounds for apprehending that he will be unable to attend the trial, the defendant may apply for an order that the witness be examined conditionally.

SECTION 416.—The application must be made upon affidavit, stating:

- 1.--The nature of the offense charged;
- 2.--The state of the proceedings in the action;
- 3.--The name and residence of the witness, and that

his testimony is material to the defense of the action;

4.--That the witness is about to leave Porto Rico, or is so sick or infirm as to afford reasonable grounds for apprehending that he will not be able to attend the trial;

5.--The application may be made to the court, or to a judge thereof, and must be made upon three days' notice to the prosecuting attorney.

SECTION 417.--If the court or judge is satisfied that the examination of the witness is necessary, an order must be made that the witness be examined conditionally, at a specified time and place, and that a copy of the order be served on the prosecuting attorney within a specified time before that fixed for the examination.

SECTION 418.--The order must direct that the examination be taken before a justice of the peace named therein, and on proof being furnished to such justice of the peace of service upon the prosecuting attorney of a copy of the order, if no counsel appear on the part of The People, the examination must proceed.

SECTION 419.--If the prosecuting attorney or other counsel appear on behalf of the people, and it is shown to the satisfaction of the justice of the peace by affidavit or other proof, or on the examination of the witness, that he is not about to leave Porto Rico, or is not sick or infirm, or that the application was made to avoid the examination of the witness on the trial, the examination cannot take place; otherwise it must proceed.

SECTION 420.--The attendance of the witness may be enforced by a subpoena, issued by the justice of the peace before whom the examination is to be taken.

SECTION 421.--The testimony given by the witness must be reduced to writing, and authenticated in the

same manner as the testimony of a witness taken in support of an information.

SECTION 422.—The deposition taken must, by the justice of the peace be sealed up and transmitted to the clerk of the court in which the action is pending or may come for trial.

SECTION 423.—The deposition or a certified copy thereof, may be read in evidence by either party on the trial, upon its appearing that the witness is unable to attend, by reason of his death, insanity, sickness, or infirmity, or of his continued absence from Porto Rico. Upon reading the deposition in evidence, the same objections may be taken to a question or answer contained therein as if the witness had been examined orally in court.

SECTION 424.—When a material witness for a defendant, under a criminal charge, is a prisoner in the penitentiary, or in a jail in a district other than that in which the defendant is to be tried, his deposition may be taken, on behalf of the defendant, in the manner provided for in the case of a witness who is sick, and the provisions of this Code, commencing with Section 414 and ending with Section 443 shall, so far as applicable, govern in the application for and in the taking and use of such deposition. Such deposition may be taken before any justice of the peace or notary public of the district in which the jail or penitentiary is situated.

CHAPTER III.

EXAMINATION OF WITNESSES ON COMMISSION.

SECTION 425.—When an issue of fact is joined upon an information, the defendant may have any material witness, residing out of Porto Rico, examined in his behalf, as prescribed in this chapter and not otherwise.

SECTION 426.—When a material witness for the defendant resides out of Porto Rico, the defendant may apply for an order that the witness be examined on a commission.

SECTION 427.—A commission is a process issued under the seal of the court and the signature of the clerk directed to some person designated as commissioner, authorizing him to examine the witness under oath upon the interrogatories annexed thereto, to take and certify the deposition of the witness, and to return it according to the directions given with the commission.

SECTION 428.—The application must be made upon affidavit stating:

- 1.—The nature of the offense charged;
- 2.—The state of the proceedings in the action, and that an issue of fact has been joined therein;
- 5.—The name of the witness, and that his testimony is material to the defense of the action;
- 4.—That the witness resides out of Porto Rico.

SECTION 429.—The application may be made to the court, or a judge thereof, and must be upon three days notice to the prosecuting attorney.

SECTION 430.—If the court to whom the application is made is satisfied of the truth of the facts stated, and that the examination of the witness is necessary to the attainment of justice, an order must be made that a commission be issued to take his testimony; and the court may insert in the order a direction that the trial be stayed for a specified time, reasonably sufficient for the execution and return of the commission.

SECTION 431.—When the commission is ordered, the defendant must serve upon the prosecuting attorney without delay, a copy of the interrogatories to be annexed thereto, with two days notice of the time at which

they will be presented to the court or judge. The prosecuting attorney may in like manner serve upon the defendant or his counsel cross-interrogatories, to be annexed to the commission, with the like notice. In the interrogatories either party may insert any questions pertinent to the issue. When the interrogatories and cross-interrogatories are presented to the court or judge, according to the notice given, the court or judge must modify the questions so as to conform them to the rules of evidence and must indorse upon them his allowance and annex them to the commission.

SECTION 432.—Unless the parties otherwise consent, by an indorsement upon the commission, the court or judge must indorse thereon a direction as to the manner in which it must be returned, and may in his discretion, direct that it be returned by mail or otherwise, addressed to the clerk of the court in which the action is pending, designating his name and the place where his office is kept.

SECTION 433.—The commissioner, unless otherwise specially directed, may execute the commission as follows:

- 1.--He must publicly administer an oath to the witness that his answers given to the interrogatories shall be the truth, the whole truth, and nothing but the truth;

- 2.--He must cause the examination of the witness to be reduced to writing, and subscribed by him;

- 3.--He must write the answers of the witness as near as possible in the language in which he gives them and read to him each answer as it is taken down, and correct or add to it until it conforms to what he declares is the truth;

- 4.--If the witness decline answering a question,

that fact, with the reason assigned by him for declining must be stated;

5.--If any papers or documents are produced before him and proved by the witness, they, or copies of them, must be annexed to the deposition subscribed by the witness and certified by the commissioner;

6.--The commissioner must subscribe his name to each sheet of the deposition, and annex the deposition with the papers and documents proved by the witness, or copies thereof, to the commission, and must close it up under seal, and address it as directed by the indorsement thereon;

7.--If there be a direction on the commission to return it by mail, the commissioner must immediately deposit it in the nearest post office. If any other direction be made by the written consent of the parties, or by the court or judge, on the commission, as to its return, the commissioner must comply with the direction.

A copy of this section must be annexed to the commission.

SECTION 434.--If the commission and return be delivered by the commissioner to an agent, he must deliver the same to the clerk to whom it is directed, or to the judge of the court in which the action is pending, by whom it may be received and opened, upon the agent making affidavit that he received it from the hands of the commissioner, and that it has not been opened or altered since he received it.

SECTION 435.--If the agent is dead, or from sickness or other casualty unable personally to deliver the commission and return, as prescribed in the preceding section, it may be received by the clerk or judge from any other person, upon his making an affidavit that he re-

ceived it from the agent; that the agent is dead, or from sickness or other casualty unable to deliver it; that it has not been opened or altered since the person making the affidavit received it; and that he believes it has not been opened or altered since it came from the hands of the commissioner.

SECTION 436.--The clerk or judge receiving and opening the commission and return, must immediately file it, with the affidavit mentioned in the two preceding sections, in the office of the clerk of the court in which the information is pending. If the commission and return is transmitted by mail, the clerk to whom it is addressed must receive it from the post office, and open and file it in his office, where it must remain, unless otherwise directed by the court or judge.

SECTION 437.--The commission and return must at all times be open to the inspection of the parties, who must be furnished by the clerk with copies of the same or of any part thereof, on payment of his fees.

SECTION 438.--The depositions taken under the commission may be read in evidence by either party on the trial, upon it being shown that the witness is unable to attend from any cause whatever: and the same objections may be taken to a question in the interrogatories or to an answer in the deposition, as if the witness had been examined orally in court.

CHAPTER IV.

INQUIRY INTO THE INSANITY OF THE DEFENDANT BEFORE TRIAL OR AFTER CONVICTION.

SECTION 439.--A person cannot be tried, adjudged to punishment, or punished for a public offense, while he is insane.

SECTION 440.--When an action is called for trial, or

at any time during the trial, or when the defendant is brought up for judgment on conviction, if a substantial doubt arise as to the sanity of the defendant, the court must order the question as to his sanity to be submitted to three experts designated by the court, and the trial or the pronouncing of the judgment must be suspended until the question is determined by their decision, and the trial jury may be discharged or retained, according to the discretion of the court, during the pendency of the issue of insanity.

SECTION 441.—The trial of the question of insanity must proceed in the following order:

1.—The counsel for the defendant must open the case, and offer evidence in support of the allegation of insanity;

2.—The counsel for the people may then open their case, and offer evidence in support thereof;

3.—The parties may then respectively offer rebutting testimony only, unless the court, for good reason, in furtherance of justice, permit them to offer evidence upon their original cause;

4.—When the evidence is concluded, on either or both sides without argument, the counsel for the people must commence, and the defendant or his counsel may conclude the argument;

5.—If the information be for an offense punishable with death, two counsel on each side may argue the cause in which case they must do so alternately. In other cases, the argument may be restricted to one counsel on each side;

6.—The court must then charge the experts stating to them all matters of law necessary for their information in giving their verdict.

SECTION 442.—If the experts find the defendant sane,

the trial must proceed, or judgment be pronounced, as the case may be. If the experts find the defendant insane, the trial or judgment must be suspended until he becomes sane, and the court must order that he be in the meantime committed to an insane asylum, and that upon his becoming sane he be delivered to the warden of the jail.

SECTION 443.--The commitment of the defendant, as mentioned in the preceding section, exonerates his bail, or entitles a person authorized to receive the property of the defendant, to a return of any money he may have deposited instead of bail.

SECTION 444.--If the defendant is received into the asylum, he must be detained there until he becomes sane. When he becomes sane, the superintendent must give notice of that fact to the prosecuting attorney of the district. The warden must thereupon, without delay, bring the defendant from the asylum, and place him in proper custody until he is brought to trial or judgment, as the case may be, or is legally discharged.

CHAPTER V.

COMPROMISING CERTAIN PUBLIC OFFENSES BY LEAVE OF THE COURT.

SECTION 445.--When a defendant is held to answer on a charge of misdemeanor, for which the person injured by the act constituting the offense has a remedy by civil action, the offense may be compromised as provided in the next section, except when it is committed:

- 1.--By or upon an officer of justice, while in the execution of the duties of his office;
- 2.--Riotously;
- 3.--With an intent to commit a felony.

SECTION 446.—If the party injured appears before the court to which the depositions are required to be returned, at any time before trial, and acknowledges that he has received satisfaction for the injury, the court may, in its discretion, on payment of the costs incurred, order all proceedings to be stayed upon the prosecution, and the defendant to be discharged therefrom; but in such case the reasons for the order must be set forth therein, and entered on the minutes. The order is a bar to another prosecution for the same offense.

SECTION 447.—No public offense can be compromised, nor can any proceeding or prosecution for the punishment thereof upon a compromise, be stayed except as provided in this chapter.

CHAPTER VI.

DISMISSAL OF THE ACTION BEFORE OR AFTER INFORMATION FOR WANT OF PROSECUTION OR OTHERWISE.

SECTION 448.—The court, unless good cause to the contrary is shown, shall order the prosecution to be dismissed in the following cases:

1.—Where a person has been held to answer for a public offense, if an information is not filed against him within sixty days thereafter;

2.—If a defendant, whose trial has not been postponed upon his application, is not brought to trial within one hundred and twenty days after the filing of the information.

SECTION 449.—If the defendant is not charged or tried as provided in the preceding section, and sufficient reason therefor is shown, the court may order the action to be continued from time to time, and in the mean time may discharge the defendant from cus-

tody on his own undertaking of bail for his appearance to answer the charge at the time to which the action is continued.

SECTION 450.—If the court directs the action to be dismissed, the defendant must, if in custody, be discharged therefrom; or if admitted to bail, his bail is exonerated, or money deposited instead of bail must be refunded to him.

SECTION 451.—The court may, either of its own motion or upon the application of the prosecuting attorney and in furtherance of justice, order an action on an information to be dismissed. The reasons of the dismissal must be set forth in an order entered upon the minutes.

SECTION 452.—An order for the dismissal of the action, as provided in this chapter, is a bar to any other prosecution for the same offense, if it is a misdemeanor, but it is not a bar if the offense is a felony.

CHAPTER VII.

PROCEEDINGS AGAINST CORPORATIONS.

SECTION 453.—Upon a complaint being filed against a corporation, the justice of the peace must issue a summons signed by him, with his name of office, requiring the corporation to appear before him, at a specified time and place, to answer the charge, the time to be not less than ten days after the issuing of the summons.

SECTION 454.—The summons must be substantially in the following form: "District of (as the case may be) "The People of Porto Rico to the (naming the corporation):

"You are hereby summoned to appear before me at (naming the place), on (specifying the day and hour),

to answer a charge made against you upon the complaint of.....for (designating the offense generally). "Dated at the city (or.....) of....., this day of..... nineteen....." justice of the peace (or as the case may be).

SECTION 455.—The summons must be served at least five days before the day of appearance fixed therein, by delivering a copy thereof and showing the original to the president or other head of the corporation, or to the secretary, cashier, or managing agent thereof.

SECTION 456.—At the appointed time in the summons, the officer before whom the corporation is summoned to appear must proceed to investigate the charge in the same manner as in the case of a natural person, so far as these proceedings are applicable.

SECTION 457.—After hearing the proofs, the officer must certify upon the depositions, either that there is or is not sufficient cause to believe the corporation guilty of the offense charged, and must return the deposition and certificate.

SECTION 458.—If the officer returns a certificate that there is sufficient cause to believe the corporation guilty of the offense charged, the prosecuting attorney must file an information thereon, as in case of a natural person held to answer.

SECTION 459.—If an information is filed, the corporation may appear by counsel to answer the same. If it does not thus appear, a plea of not guilty must be entered, and the same proceedings had thereon as in other cases.

SECTION 460.—When a fine is imposed upon a corporation on conviction, it may be collected by virtue of the order imposing it, by the officer of the court, out of its real and personal property.

CHAPTER VIII.

ERRORS AND MISTAKES IN PLEADINGS AND OTHER PROCEEDINGS.

SECTION 461.—Neither a departure from the form or mode prescribed by this Code in respect to any pleading or proceeding, nor an error or mistake therein, renders it invalid, unless it has actually prejudiced the defendant, or tended to his prejudice, in respect to a substantial right.

CHAPTER IX.

DISPOSAL OF PROPERTY STOLEN OR EMBEZZLED.

SECTION 462.—When property, alleged to have been stolen or embezzled, comes into the custody of a peace officer, he must hold it subject to the order of the justice of the peace authorized by the next section to direct the disposal thereof.

SECTION 463.—On satisfactory proof of the ownership of the property, the justice of the peace before whom the complaint is laid, or who examines the charge against the person accused of stealing or embezzling it, must order it to be delivered to the owner, on his paying the necessary expense incurred in its preservation, to be certified by the justice of the peace. The order entitles the owner to demand and receive the property.

SECTION 464.—If property stolen or embezzled comes into custody of the justice of the peace, it must be delivered to the owner on satisfactory proof of his title, and on his paying the necessary expenses incurred in its preservation, to be certified by the justice of the peace.

SECTION 465.—If the property stolen or embezzled has not been delivered to the owner, the court before which a trial is had for stealing or embezzling it, may, on proof of his title, order it to be restored to the owner.

SECTION 466.—If the property stolen or embezzled is not claimed by the owner before the expiration of six months from the conviction of a person for stealing or embezzling it, the justice of the peace or other officer having it in custody must, on the payment of the necessary expenses incurred in its preservation, deliver it to the insular Treasurer, by whom it must be sold and the proceeds paid into the insular treasury.

SECTION 467.—When money or other property is taken from a defendant, arrested upon a charge of a public offense, the officer taking it must at the time give duplicate receipts therefor, specifying particularly the amount of money or the kind of property taken; one of which receipts he must deliver to the defendant and the other of which he must forthwith file with the clerk of the court to which the depositions and statement are to be sent. When such property is taken by a police or peace officer, he must deliver one of the receipts to the defendant, and one, with the property, at once to the clerk or other person in charge of the police department.

SECTION 468.—The clerk or person having charge of the police department must enter in a suitable book a description of every article of property alleged to be stolen or embezzled, and brought into the office or taken from the person of a prisoner, and must attach a number to each article, and make a corresponding entry thereof.

TITLE XII.

HABEAS CORPUS.

SECTION 469.—Every person unlawfully imprisoned or restrained of his liberty, under any pretense what-

ever, may prosecute a writ of habeas corpus, to inquire into the cause of such imprisonment or restraint.

SECTION 470.—Application for the writ is made by petition, signed either by the party for whose relief it is intended, or by some person in his behalf, and must specify;

1.—That the person in whose behalf the writ is applied for is imprisoned or restrained of his liberty, the officer or person by whom he is so confined or restrained, and the place where, naming all the parties, if they are known, or describing them, if they are not known;

2.—If the imprisonment is alleged to be illegal, the petition must also state in what the alleged illegality consists;

3.—The petition must be verified by the oath of the party making the application.

SECTION 471.—The writ of habeas corpus may be granted:

1.—By the Supreme Court, or any justice thereof, or by the District Court or any judge thereof upon petition by or on behalf of any person restrained of his liberty. When so issued it may be made returnable before the court or the judge issuing the same;

2.—By the District Courts, or a judge thereof, upon petition by or on behalf of any person restrained of his liberty, in the respective district in which said court has jurisdiction.

SECTION 472.—Any court or judge authorized to grant the writ, to whom a petition therefor is presented, must, if it appear that the writ ought to issue, grant the same without delay.

SECTION 473.—The writ must be directed to the person having custody of or restraining the person on whose behalf the application is made, and must com-

mand him to have the body of such person before the court or judge before whom the writ is returnable, at a time and place therein specified.

SECTION 474.—If the writ is directed to any ministerial officer of the court out of which it issues, it must be delivered by the clerk to such officer without delay, as other writs are delivered for service. If it is directed to any other person, it must be delivered to such officer, and be by him served upon such person by delivering the same to him without delay. If the person to whom the writ is directed cannot be found, or refuses admittance to the officer or person serving or delivering such writ, it may be served or delivered by leaving it at the residence of the person to whom it is directed, or by affixing it to some conspicuous place on the outside either of his dwelling-house or of the place where the party is confined or under restraint.

SECTION 475.—If the person to whom the writ is directed refuses, after service, to obey the same, the court or judge, upon affidavit, must issue an attachment against such person, directed to any officer, commanding him forthwith to apprehend such person, and bring him immediately before such court or judge; and upon being so brought, he must be committed to jail until he makes due return to such writ, or is otherwise legally discharged.

SECTION 476.—The person upon whom the writ is served must state in his return, plainly and unequivocally:

1.—Whether he has or has not the party in his custody, or under his power or restraint;

2.—If he has the party in his custody or power, or under his restraint, he must state the authority and cause of such imprisonment or restraint;

3.—If the party is detained by virtue of any writ, warrant, or other written authority, a copy thereof must be annexed to the return, and the original produced and exhibited to the court or judge on the hearing of such return;

4.—If the person upon whom the writ is served had the party in his power or custody, or under his restraint at any time prior or subsequent to the date of the writ of habeas corpus, but has transferred such custody or restraint to another, the return must state particularly to whom, at what time and place, for what cause, and by what authority, such transfer took place;

5.—The return must be signed by the person making the same, and, except when such person is a sworn public officer, and makes such return in his official capacity, it must be verified by his oath;

SECTION 477.—The person to whom the writ is directed, if it is served, must bring the body of the party in his custody or under his restraint, according to the command of the writ, except in the cases specified in the next section.

SECTION 478.—When, from sickness or infirmity of the person directed to be produced, he cannot, without danger be brought before the court, or judge, the person in whose custody or power he is may state that fact in his return to the writ verifying the same by affidavit. If the court or judge is satisfied of the truth of such return, and the return to the writ is otherwise sufficient, the court or judge may proceed to decide on such return and to dispose of the matter as if such party had been produced on the writ, or the hearing thereof may be adjourned until such party can be produced.

SECTION 479.—The court or judge before whom the writ is returned must, immediately after the return, pro-

ceed to hear and examine the return, and such other matters as may be properly submitted to the hearing and consideration.

SECTION 480.—The party brought before the court or judge, on the return of the writ may deny or controvert any of the material facts or matters set forth in the return, or except to the sufficiency thereof, or allege any fact to show either that his imprisonment or detention is unlawful, or that he is entitled to his discharge. The court or judge must thereupon proceed in a summary way to hear such proof as may be produced against such imprisonment or detention, or in favor of the same, and to dispose of such party as the justice of the case may require, and have full power and authority to require and compel the attendance of witnesses, by process of subpoena and attachment, and to do and perform all other acts and things necessary to a full and fair hearing and determination of the case.

SECTION 481.—If no legal cause is shown for such imprisonment or restraint, or for the continuation thereof, such court or judge must discharge such party from the custody or restraint under which he is held.

SECTION 482.—The court or judge, if the time during which such party may be legally detained in custody has not expired, must remand such party, if it appears that he is detained in custody:

1.—By virtue of process issued by the court or judge of the United States District Court, in a case where such court or judge has exclusive jurisdiction; or,

2.—By virtue of a warrant or final judgment or decree of any competent court of criminal jurisdiction, or of any process issued upon such warrant, judgment or decree.

SECTION 483.—If it appears on the return of the writ

that the prisoner is in custody by virtue of process from any court of Porto Rico, or judge or officer thereof, such prisoner may be discharged in any of the following cases, subject to the restrictions of the preceding section:

1.—When the jurisdiction of such court or officer has been exceeded;

2.—When the imprisonment was at first lawful yet by some act, omission, or event which has taken place afterwards, the party has become entitled to a discharge;

3.—When the process is defective in some matter of substance required by law rendering such process void;

4.—When the process, though proper in form, has been issued in a case not allowed by law;

5.—When the person having custody of the prisoner is not the person allowed by law to detain him;

6.—Where the process is not authorized by any order, judgment, or decree of any court, nor by any provision of law;

7.—Where a party has been committed on a criminal charge without reasonable or probable cause.

SECTION 484.—If any person is committed to prison, or is in custody of any officer on any criminal charge, by virtue of any warrant of commitment of a justice of the peace, such person must not be discharged on the ground of any mere defect of form in the warrant of commitment.

SECTION 485.—If it appears to the court or judge, by affidavit or otherwise, or upon the inspection of the process or warrant of commitment, and such other papers in the proceedings as may be shown to the court or judge, that the party is guilty of a criminal offense, or ought not to be discharged, such court or judge, al-

though the charge is defective or unsubstantially set forth in such process or warrant of commitment, must cause the complainant or other necessary witnesses to be subpoenaed to attend at such time as ordered, to testify before the court or judge; and upon the examination he may discharge such prisoner, let him to bail, if the offense be bailable, or recommit him to custody, as may be just and legal.

SECTION 486.—Any person who has been committed on a criminal charge may be brought before a judge on a writ of habeas corpus, if the writ issues out of the proper court.

SECTION 487.—If a party brought before the court or judge on the return of the writ is not entitled to his discharge, and is not bailed, where such bail is allowable, the court or judge must remand him to custody or place him under the restraint from which he was taken, if the person under whose custody or restraint he was is legally entitled thereto.

SECTION 488.—In cases where any party is held under illegal restraint or custody, or any other person is entitled to the restraint or custody of such party, the judge or court may order such party to be committed to the restraint or custody of such person as is by law entitled thereto.

SECTION 489.—Until judgment is given on the return, the court or judge before whom any party may be brought on such writ may commit him to the custody of the warden of the jail, or place him in such care or under such custody as his age or circumstances may require.

SECTION 490.—No writ of habeas corpus can be disobeyed for defect of form, if it sufficiently appear therefrom in whose custody or under whose restraint

the party imprisoned or restrained is, the officer or person detaining him, and the court or judge before whom he is to be brought.

SECTION 491.—No person who has been discharged by order of the court or judge upon habeas corpus can be again imprisoned or restrained, or kept in custody for the same cause, except in the following cases:

1.—If he has been discharged from custody on a criminal charge, and is afterwards committed for the same offense, by legal order or process;

2.—If, after a discharge for defect of proof, or for any defect of the process, warrant, or commitment in a criminal case, the prisoner is again arrested on sufficient proof and committed by legal process for the preceding offense.

SECTION 492.—When it appears to any court or judge, authorized by law to issue the writ of habeas corpus, that any one is illegally held in custody, confinement, or restraint, and that there is reason to believe that such person will be carried out of the jurisdiction of the court or judge before whom the application is made, or will suffer some irreparable injury before compliance with the writ of habeas corpus can be enforced, such court or judge may cause a warrant to be issued, reciting the facts, and directed to any court officer, commanding such officer to take such person thus held in custody, confinement, or restraint, and forthwith bring him before such court or judge, to be dealt with according to law.

SECTION 493.—The court or judge may also insert in such warrant a command for the apprehension of the person charged with such illegal detention and restraint.

SECTION 494.—The officer to whom such warrant is delivered must execute it by bringing the person

therein named before the court or judge who directed the issuing of such warrant.

SECTION 495.—The person alleged to have such party under illegal confinement or restraint may make return to such warrant, as in case of a writ of habeas corpus, and the same may be denied, and like allegations, proofs, and trial may thereupon be had as upon a return to a writ of habeas corpus.

SECTION 496.—If such party is held under illegal restraint or custody, he must be discharged; and if not, he must be restored to the care or custody of the person entitled thereto.

SECTION 497.—Any writ or process authorized by this chapter may be issued and served on any day or at any time.

SECTION 498.—All writs, warrants, process, and subpoenas authorized by the provisions of this chapter, must be issued by the clerk of the court, and, except subpoenas, must be sealed with the seal of such court, and served and returned forthwith, unless the court or judge shall specify a particular time for any such return.

SECTION 499.—All such writs and process, when made returnable before a judge, must be returned before him at the place of holding court, and there heard and determined.

SECTION 500.—If any judge, after a proper application is made, refuses to grant an order for a writ of habeas corpus, or if the officer or person to whom such writ may be directed refuses obedience to the command thereof, he shall forfeit and pay to the person aggrieved a sum not exceeding one thousand dollars, to be recovered by action in any court of competent jurisdiction.

TITLE XIII.

OF SEARCH-WARRANTS.

SECTION 501.—A search-warrant is an order in writing, in the name of The People, signed by a justice of the peace, directed to a peace officer, commanding him to search for personal property, and bring it before the justice of the peace.

SECTION 502.—It may be issued upon either of the following grounds:

1.—When the property was stolen or embezzled; in which case it may be taken on the warrant, from any place in which it is concealed, or from the possession of the person by whom it was stolen or embezzled, or from any person in whose possession it may be.

2.—When it was used as the means of committing a felony; in which case it may be taken on the warrant from the place in which it is concealed, or from the possession of the person by whom it was used in the commission of the offense, or from any person in whose possession it may be.

3.—When it is in the possession of any person with the intent to use it as a means of committing a public offense, or in the possession of another to whom he may have delivered it for the purpose of concealing it or preventing its being discovered; in which case it may be taken on the warrant from such person, or from any place occupied by him or under his control, or from the possession of the person to whom he may have so delivered it.

4.—When the property is a cask, keg, bottle, vessel, siphon, can, case, or other package, bearing printed, branded, stamped, engraved, etched, blown, or otherwise attached or produced thereon the duly filed trade-

mark or name of the person by whom, or in whose behalf, the search warrant is applied for, in the possession of any person except the owner thereof with intent to sell or traffic in the same, or refill the same with intent to defraud the owner thereof, with such intent, and without such owner's consent thereof; or unless the same shall have been purchased from the owner thereof, in which case it may be taken on the warrant from such person, or from any place occupied by him, or under his control, or from the possession of the person to whom he may have delivered it.

SECTION 503.—A search-warrant cannot be issued but upon probable cause, supported by affidavit, naming or describing the person, and particularly describing the property and the place to be searched.

SECTION 504.—The justice of the peace must, before issuing the warrant, examine on oath the complainant, and any witnesses he may produce, and take their depositions in writing, and cause them to be subscribed by the parties making them.

SECTION 505.—The depositions must set forth the facts tending to establish the ground of the application, or probable cause for believing that they exist.

SECTION 506.—If the justice of the peace is thereupon satisfied of the existence of the grounds of the application, or that there is probable cause to believe their existence, he must issue a search-warrant, signed by him with his name of office, to a peace officer in his district, commanding him forthwith to search the person or place named, for the property specified, and to bring it before the justice of the peace.

SECTION 507.—The warrant must be in substantially the following form:

"District of.....

"The People of Porto Rico to any marshal, policeman, or peace officer in the district of.....:

"Proof by affidavit, having been this day made before me by (naming every person whose affidavit has been taken), (stating that the grounds of the application according to Section five hundred and three, or if the affidavit be not positive, that there is probable cause for believing that, stating the ground of the application in the same manner), you are therefore commanded in the day-time, (or at any time of the day or night, as the case may be) according to Section five hundred and eleven, to make immediate search on the person of..... (or in the house situated....., describing it or any other place to be searched with reasonable particularity, as the case may be) for the following property; (describing it with reasonable particularity) and if you find the same or any part thereof, to bring it forthwith before me at (stating the place.)

"Given under my hand, and dated this.....day of.....A. D., nineteen

"....., Justice of the Peace."

SECTION 508.—A search-warrant may in all cases be served by any of the officers mentioned in its direction but by no other person, except in aid of the officer on his requiring it, he being present and acting in its execution.

SECTION 509.—The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute the warrant, if after notice of his authority and purpose, he is refused admittance.

SECTION 510.—He may break open any outer or inner door or window of a house, for the purpose of liberating

a person who, having entered to aid him in the execution of the warrant, is detained therein, or when necessary for his own liberation.

SECTION 511.—The justice of the peace must insert a direction in the warrant that it be served in the daytime, unless the affidavits are positive that the property is on the person or in the place to be searched, in which case he may insert a direction that it be served at any time of the day or night.

SECTION 512.—A search-warrant must be executed and returned to the justice of the peace who issued it within ten days after its date; after the expiration of this time the warrant, unless executed, is void.

SECTION 513.—When the officer takes property under the warrant, he must give a receipt for the property taken (specifying it in detail) to the person from whom it was taken by him, or in whose possession it was found; or in the absence of any person, he must leave it in the place where he found the property.

SECTION 514.—When the property is delivered to the justice of the peace, he must, if it was stolen or embezzled, dispose of it as provided in Section 463 to 468, inclusive. If it was taken on a warrant issued on the grounds stated in the second and third subdivisions of Section 502 he must retain it in his possession, subject to the order of the court to which he is required to return the proceedings before him, or of any other court in which the offense in respect to which the property taken is triable.

SECTION 515.—The officer must forthwith return the warrant to the justice of the peace, and deliver to him a written inventory of the property taken, made publicly or in the presence of the person from whose possession it was taken, and of the applicant for the war-

rant, if they are present, verified by the affidavit of the officer at the foot of the inventory, and taken before the justice of the peace at the time, to the following effect: I, (the officer by whom this warrant was executed) do swear that the above inventory contains a true and detailed account of all the property taken by me on the warrant."

SECTION 516.—The justice of the peace must thereupon, if required, deliver a copy of the inventory to the person from whose possession the property was taken, and to the applicant for the warrant.

SECTION 517.—If the grounds on which the warrant was issued be controverted, he must proceed to take testimony in relation thereto, and the testimony of each witness must be reduced to writing.

SECTION 518.—If it appears that the property taken is not the same as that described in the warrant, or that there is no probable cause for believing the existence of the grounds in which the warrant was issued, the justice of the peace must cause it to be restored to the person from whom it was taken.

SECTION 519.—The justice of the peace must annex together the depositions, the search-warrant and return, and the inventory, and return them to the District Court having power to inquire into the offenses in respect to which the search-warrant was issued.

SECTION 520.—When a person charged with a felony is supposed by the justice of the peace before whom he is brought to have on his person a dangerous weapon, or anything which may be used as evidence of the commission of the offense, the justice of the peace may direct him to be searched in his presence, and the weapon or other thing to be retained, subject to his order, or to

the order of the court in which the defendant may be tried.

TITLE XIV.

PROCEEDINGS AGAINST FUGITIVES FROM JUSTICE.

SECTION 521.—The Governor may offer a reward, not exceeding one thousand dollars, for the apprehension:

1.—Of any convict who has escaped from the penitentiary; or:

2.—Of any person who has committed, or is charged with the commission of an offense punishable with death.

SECTION 522.—A person charged in any State of the United States with treason, felony, or other crime, who flees from justice and is found in Porto Rico, must, on demand of the executive authority of the State, from which he fled, be delivered up by the Governor of Porto Rico, to be removed to the State having jurisdiction of the crime.

SECTION 523.—A magistrate may issue a warrant for the apprehension of a person so charged, who flees from justice and is found in Porto Rico.

SECTION 524.—The proceedings for the arrest and commitment of a person charged are, in all respects similar to those provided in this Code for the arrest and commitment of a person charged with a public offense committed in Porto Rico, except that an exemplified copy of an indictment found, or other judicial proceedings had against him, in the State in which he is charged to have committed the offense, may be received as evidence before the magistrate.

SECTION 525.—If, from the examination, it appear

that the accused has committed the crime alleged, the magistrate, by warrant reciting the accusation, must commit him to the proper custody in his district, for such time, to be specified in the warrant as the magistrate may deem reasonable, to enable the arrest of the fugitive under the warrant of the executive of Porto Rico, on the requisition of the executive authority of the State in which he committed the offense, unless he gives bail as provided in the next section, or until he is legally discharged.

SECTION 526.—The magistrate may admit the person arrested to bail by an undertaking with sufficient securities, and in such sum as he deems proper, for his appearance before him at a time specified in the undertaking, and for his surrender to arrest upon the warrant of the Governor of Porto Rico.

SECTION 527.—Immediately upon the arrest of the person charged, the magistrate must give notice thereof to the prosecuting attorney of the district.

SECTION 528.—The prosecuting attorney must immediately thereafter give notice to the executive authority of the State, or to the prosecuting attorney or presiding judge of the court of the city or county within the State having jurisdiction of the offense, to the end that a demand may be made for the arrest and surrender of the person charged.

SECTION 529.—The person arrested must be discharged from custody or bail, unless, before the expiration of the time designated in the warrant or undertaking, he is arrested under the warrant of the Governor of Porto Rico.

SECTION 530.—The magistrate must return his proceedings to the District Court of the district which must thereupon inquire into the cause of the arrest and de-

tion of the person charged, and if he is in custody, or the time of his arrest has not elapsed, it may discharge him from detention, or may order his undertaking of bail to be canceled, or may continue his detention for a longer time, or readmit him to bail, to appear and surrender himself within a time specified in the undertaking.

SECTION 531.—When the Governor of Porto Rico, in the exercise of the authority conferred by the executive authority of any State of the United States, or of any foreign government, demande the surrender to the authorities of Porto Rico of a fugitive from justice, who has been found and arrested in such State or foreign government, the accounts of the person employed by him to bring back such fugitive must be audited and paid out of the Insular treasury.

SECTION 532.—No compensation, fee, or reward of any kind can be paid to or received by a public officer of Porto Rico, or other person, for a service rendered in procuring from the Governor the demand mentioned in the preceding section, or the surrender of the fugitive, or for conveying him to Porto Rico, or detaining him therein, except as provided for in such section.

TITLE XV.

PROCEEDINGS FOR BRINGING PRISONERS BEFORE THE COURT.

SECTION 533.—When it is necessary to have a person imprisoned in the penitentiary brought before any court, or a person imprisoned in a jail brought before a court, an order for that purpose may be made by the court, and executed by the officer of the court where it is made.

SECTION 534.—In case in any penal institution there

should not be sufficient room for the prisoners confined therein, they shall be transferred to the penal institution the Attorney General may designate to them.

This transfer, however, will not aggravate or affect in any way the condition of the prisoners, who will serve in accordance with the penalty to which they have been sentenced.

That the Penal Procedure, Royal Decrees, orders and military orders in force in Porto Rico in so far as the same relate or refer to criminal procedure, and are inconsistent or in conflict herewith, and all other laws, orders, decrees and acts inconsistent with this Act, are hereby repealed.

This Act shall take effect at 12 o'clock noon on the first day of July, nineteen hundred and two.

Approved, March 1st, 1902.



CIVIL CODE.

CIVIL CODE.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—This Act shall be known as "The Civil Code of Porto Rico".

PRELIMINARY TITLE.

THE LAWS, THEIR EFFECTS AND THE GENERAL RULES FOR
THEIR APPLICATION.

SECTION 2.—Ignorance of the law does not excuse from compliance therewith.

SECTION 3.—Laws shall not have a retroactive effect unless they expressly so decree.

In no case shall the retroactive effect of a law operate to the prejudice of rights acquired under previous legislative action.

SECTION 4.—Acts executed contrary to the provisions of law are void except when the law preserves their validity.

Rights granted by the laws may be renounced, provided such renunciation be not contrary to law, to public interest or public order, or prejudicial to the interest of a third person.

SECTION 5.—Laws shall only be repealed by means

of subsequent laws; and disuse, custom or practice to the contrary shall not impede their enforcement.

Laws may be repealed either entirely or in part by other laws.

SECTION 6.—The repeal is either express or implied. It is express, when it is literally declared by a subsequent law; it is implied, when the new law contains provisions either contrary to or irreconcilable with those of the former law. The repeal of a repealing act does not revive the act repealed.

SECTION 7.—Any court which shall refuse to render a decision on the pretext of silence, obscurity or unintelligibility of the laws, or for any other reason, shall be held liable therefor.

When there is no statute applicable to the case at issue, the court shall decide in accordance with equity, which means that natural justice, as embodied in the general principles of jurisprudence and in accepted and established usages and customs, shall be taken into consideration.

SECTION 8.—If in the laws, months, days, or nights are referred to it shall be understood that the months consist of thirty days of twenty-four hours, and the nights from the setting to the rising of the sun.

If the months are referred to by name, they shall be computed by the number of days which they respectively contain.

SECTION 9.—The laws relating to family rights and obligations, or to the status, condition and legal capacity of persons, shall be binding upon the citizens of Porto Rico, although they reside in a foreign country.

SECTION 10.—Personal property is subject to the laws of the nation of the owner thereof; real property to the laws of the country in which it is situated.

SECTION 11.—The forms and solemnities of contracts, wills and other public instruments are governed by the laws of the country in which they are executed.

When such acts are authorized by diplomatic or consular officials of the United States abroad, the formalities established for their execution by the laws of the United States shall be observed.

Notwithstanding the provisions of this and the preceding section, prohibitory laws relating to persons, their acts or property, and those which relate to public order and to good morals shall not be held invalid by reason of laws, decisions, regulations or agreements in force in any foreign country.

SECTION 12.—In matters which are the subject of special laws, any deficiency in such laws shall be supplied by the provisions of this Code.

SECTION 13.—When a law is clear and free from all ambiguity, the letter of the same shall not be disregarded, under the pretext of fulfilling the spirit thereof.

SECTION 14.—The words of a law shall generally be understood in their most usual signification, taking into consideration, not so much the exact grammatical rules governing the same, as their general and popular use.

SECTION 15.—Technical terms and phrases used in the arts and sciences shall be interpreted according to their received meaning and acceptation with the experts and authorities in the science, art or profession to which they refer.

SECTION 16.—When the words of a law are dubious, their meaning should be sought by examining and comparing the obscure expressions with other related

words and sentences in an orderly manner, in order to ascertain their true meaning.

SECTION 17.—Laws which refer to the same matter, or whose object is the same, shall be interpreted with reference to each other, in order that what is clear in one may be employed for the purpose of explaining what is doubtful in another.

SECTION 18.—The most effectual and universal manner of discovering the true meaning of law, when its expressions are dubious is by considering the reason and spirit thereof, or motives which induced its enactment.

SECTION 19.—When, in order to prevent fraud or from other motives of public utility, the law declares certain acts void, its provisions shall not be dispensed with or left unperformed on the ground that the particular act in question has been proved not to be fraudulent or contrary to the public good.

SECTION 20.—The distinction of laws into odious or favorable, with a view of limiting or extending their provisions, shall not be made by those whose duty it is to interpret them.

SECTION 21.—Civil laws are equally applied to all without distinction of person or sex, except in the cases otherwise specially provided in the law.

SECTION 22.—The expression "Porto Rico" shall be held to comprehend, for all civil purposes, the island of that name and the adjacent islands situated to the east of the seventy-fourth meridian of longitude west of Greenwich and which were ceded to the United States by the Government of Spain by virtue of the treaty made on the tenth day of December, eighteen hundred and ninety-eight, and ratified on the eleventh day of April, eighteen hundred and ninety-nine.

SECTION 23.—The expression “citizen of the United States” refers to those who are such in accordance with the laws.



BOOK FIRST.

PERSONS.

TITLE I.

CHAPTER I.

NATURAL PERSONS.

SECTION 24.—Birth determines civil personality and capacity. A child shall be considered as born when completely separated from his mother's womb.

SECTION 25.—Personality and civil capacity are extinguished by death. Minority, insanity, prodigality deaf-mutism, habitual drunkenness and the loss of civil rights are only restrictions upon the civil capacity.

SECTION 26.—If a doubt exists as to which of two or more persons respectively entitled to inherit from one another died first, any person alleging the prior death of any one of them shall prove such allegation and if such proof be not forth coming they shall be deemed to have died at the same time and there shall be no transmission of rights from one to the other.

CHAPTER II.

ARTIFICIAL PERSONS.

SECTION 27.—The following are artificial persons:

I. Corporations, associations and institutions of

public interest, having artificial personality recognized by law.

The personality of such bodies shall commence from the moment of their establishment in accordance with law.

2. Private associations, whether civil commercial or industrial, to which the law grants legal personality.

SECTION 28.—The associations referred to in the second number of the preceding article shall be governed by the provisions of their articles of association, according to the nature of the latter.

SECTION 29.—The civil status of corporations shall be governed by the laws which create or recognize them; that of associations, by their by-laws; and that of institutions by the rules of their establishment duly approved by administrative action when such requisite be necessary.

SECTION 30.—Artificial persons may acquire and possess property of all kinds and also contract obligations and institute civil and criminal actions, in accordance with the laws and regulation of their establishment.

SECTION 31.—If any corporation, association or institution shall cease in its functions by reason of the time for which it was established having legally expired, or the object for which they were constituted having been fulfilled, or it being impossible to continue giving to such object the necessary funds and attention, the property thereof shall be disposed of in accordance with law or with the by-laws or articles of association thereof.

TITLE II.

REGARDING CORPORATIONS.

CHAPTER I.

DOMESTIC CORPORATIONS.

SECTION 32.—Every corporation has power:

(1) To have succession by its corporate name in perpetuity, or for the period mentioned in its articles of incorporation.

(2) To sue or be sued in any court.

(3) To have and use a seal, which it may alter at will.

(4) To acquire and to hold in any legal manner and to transfer such property, both real and personal, as the purposes expressed in the articles of incorporation may require, and to mortgage such property with its franchises; *Provided*, however, that the power of any corporation organized under this Code to hold real estate shall be subject to the prohibition contained in Section three of the joint resolution of the Congress of the United States of May first, nineteen hundred.

(5) To appoint the officers and agents required by the business of the corporation and to make them reasonable compensation.

(6) To make by-laws as to the number of directors, as to the management, regulation and government of its property and affairs and the transfer of its stock, subject to the provisions of this Code.

(7) To dissolve, either voluntarily or by operation of law, and in accordance with the provisions of this Code.

(8) To possess and exercise, subject to the restrictions, and liabilities contained in this Code and its

articles of incorporation, such incidental powers as are necessary or convenient to the attainment of the object or objects set forth in such articles of incorporation; *Provided*, that the same are not inappropriate to or inconsistent with such articles of incorporation or with the provisions of this Code.

SECTION 33.—*Powers prohibited*.—No corporation formed under this Code shall be deemed to possess or shall exercise corporate powers except in accordance with the previous section, nor shall any such corporation have the power to conduct a banking business or that of discounting bills, notes or other evidences of debt, or of receiving deposits of money, or buying gold or silver bullion or foreign coins, or of buying or selling bills of exchange, or of issuing bills, notes, or other evidences of debt upon loan or other circulation of money.

SECTION 34.—*Revocation of incorporation*.—Any corporation formed under the provisions of this Code may be dissolved by the Legislative Assembly of Porto Rico at its pleasure, and the articles of incorporation, or any addition thereto or amendment thereof, shall be subject to alteration, suspension or repeal in the discretion of the Legislative Assembly. Corporations organized under this Code shall be bound by any amendment or repealing Act hereafter enacted by the Legislative Assembly. Such amendment or repeal, however, shall not take away or impair any remedy against any such corporation or its officers for any liability which shall have been previously incurred by it or them. This Title and all amendments thereto shall be deemed a part of the charter of every corporation formed hereunder, except so far as the same are inappropriate and inapplicable to the object of such corporation.

II. FORMATION, ALTERATION AND DISSOLUTION OF CORPORATIONS.

SECTION 35.—*Articles of incorporation.*—On executing, acknowledging and filing articles of incorporation, in accordance with the next section of this Code, three or more persons of full legal capacity may organize a corporation for any lawful purpose or purposes and any such corporation may conduct a business in Porto Rico and the United States or any foreign countries, and may hold, acquire, mortgage and transfer real or personal property, or maintain one or more offices outside the island of Porto Rico, provided such powers are included in the objects mentioned in the certificate of incorporation; *Provided*, however, that it shall not be lawful to organize under this Chapter any savings bank, building or loan association, insurance company, railroad company, telegraph company, telephone company, canal company, turnpike company, or other company requiring the exercise of the right of eminent domain.

SECTION 36.—The articles of incorporation must be subscribed by each of the incorporators and must be acknowledged before a notary or other officer authorized to take and certify acknowledgements. They shall set forth:

(1) The name of the corporation; but no name shall be assumed already in use by any other corporation, or so nearly similar thereto as to lead to confusion or uncertainty.

(2) The location, including the town or city, street and number, if there be any, of its principal office in the island of Porto Rico.

(3) The period, if any limited for the duration of the corporation.

(4) The object or objects for which the corporation is formed.

(5) The amount of the total authorized capital stock of the corporation, which shall not be less than two thousand dollars, the number of shares into which the same is divided, and the par value of each share, and the amount of paid in capital with which it shall commence business, which shall not be less than one thousand dollars.

(6) The names and post office addresses of the incorporators and the number of shares subscribed for by each and the amount of their subscriptions paid in by each.

(7) Any provision which the incorporators may choose to insert for the regulation of the business and the conduct of the affairs of the corporation or for creating, defining, limiting and regulating the powers of the corporation directors, or of the stockholders, provided that such provision or provisions shall be consistent with this Code.

SECTION 37.—*Commencement of corporate existence.*
—Upon subscribing and acknowledging the articles of incorporation as hereinabove provided and upon filing the same in the office of the Secretary of Porto Rico and payment of the filing fees provided by law, and upon the issue by the Secretary of Porto Rico, over his seal, of his certificate that the said articles containing the statements required by the foregoing section have been filed in his office, the existence of the corporation named in the said articles of incorporation shall begin, and from and after the date of such filing it shall be and constitute a body corporate by the name set forth in the said articles, subject, however, to dissolution as in this Code elsewhere provided. The arti-

cles of incorporation filed in accordance with this Code or a copy thereof duly certified by the Secretary of Porto Rico, shall be prima facie evidence of the facts therein contained.

SECTION 38.—*First meeting.*—Within sixty days after the filing of the articles of incorporation as hereinafter provided, the first meeting of the corporation created by the filing of such articles shall be called by a notice subscribed by a majority of the incorporators, designating the time, place and purpose of the meeting. The said notice shall be served upon all the subscribers to the said articles of incorporation, either personally or by publication of the said notice on two successive weeks in a newspaper of the island of Porto Rico, and by mailing a copy of such notice by registered mail addressed to each subscriber at the post office address mentioned in the articles of incorporation. But if all the incorporators shall, in writing, waive the notice and fix a time and place of meeting, no notice or publication shall be required. At the said first meeting, by-laws shall be adopted for the management and regulation of the internal affairs of the corporation and at least three directors shall be chosen for at least the term of one year from the date of said meeting. At least one of the directors so chosen and at least one of every board of directors subsequently chosen must be a resident of the island of Porto Rico.

SECTION 39.—*By-Laws.*—The power to make and alter by-laws shall be in the stockholders; but any corporation may, in the articles of incorporation confer that power upon the directors, provided, however, that the by-laws so made may be altered or repealed by the stockholders.

SECTION 40.—*Directors and officers.*—The business

of every corporation shall be managed by its directors, each of whom must be a shareholder therein. The directors shall not be less than three in number and shall be chosen annually by the stockholders at the time and place provided in the by-laws, and shall hold office for one year, or until others are chosen and have qualified in their stead. In its articles of incorporation, any corporation organized under this Code may classify its directors in respect to the time for which they shall severally hold office; *Provided*, however, that no director shall be elected for a shorter period than one year, and none for a longer period than five years, and provided also that the term of office of at least one class of directors shall expire in each year. Every corporation organized under this Code must have a president, a secretary and a treasurer, who shall be chosen either by the directors or the stockholders as the by-laws may direct, and shall hold their offices until others are chosen and have qualified in their stead. The president must be chosen from among the directors. The secretary must be a shareholder and shall be sworn to the faithful discharge of his duties. He shall keep a record of all votes and resolutions of the stockholders and of the directors in a book to be kept for that purpose, and shall perform such other duties as shall be assigned to him. The treasurer shall be a shareholder and shall give a bond in such sum and with such surety or sureties as may be provided by the by-laws for the faithful discharge of his duty. The corporation may have such other officers, agents and employees as may be prescribed by the by-laws, and they shall perform such duties and shall be chosen in such manner and shall hold their offices for such terms as may be therein prescribed. Any vacancy occurring among the directors or in the office of presi-

dent, secretary or treasurer, by reason of death, removal or any other cause, shall be filled in the manner provided for in the by-laws, and in the absence of any such provision, such vacancies shall be filled by the board of directors.

SECTION 41.—*Directors' meetings.*—If the by-laws or articles of incorporation so provide, the directors of any corporation organized under this Code may hold their meetings and have an office and keep the books of the corporation, except the stock and transfer books, outside of the island of Porto Rico; *Provided*, however, that every such corporation shall maintain a principal office in the island and have an agent in charge thereof, wherein shall be kept the stock and transfer books for the inspection of all who are authorized to see the same and for the transfer of stock. Upon proper cause shown, any District Court of the island may summarily order any or all of the books of the said corporation to be forthwith brought into the island of Porto Rico and kept therein at such place and for such time as may be designated in such order, and the charter of any corporation failing to comply with such order may be declared forfeited by the court making it and it shall thereupon cease to be a corporation and all its directors and officers shall be liable to be punished for contempt of court for disobedience of such order.

SECTION 42.—*Meetings; rights of stockholders: votes by proxy.*—The articles of incorporation, or the by-laws of every corporation shall determine the time, the manner of calling and conducting all meetings. Absent stockholders may vote thereat by means of written proxies. Each stockholder shall be entitled to one vote for each share owned by him, and in order that any action taken at any meeting of shareholders shall be

valid there must be present at such meeting in person, or represented by proxy, a majority of the outstanding shares. Every stockholder shall have a certificate signed by the president and treasurer, certifying the number of shares owned by him in the corporation, which certificate of stock, together with the shares of stock, represented by it, shall be personal property and shall be transferable on the books of the corporation as the by-laws may provide. Whenever any transfer of shares shall be made for collateral security and not absolutely, it shall be so expressed in the entry of the transfer.

SECTION 42.—(a) *Stockholders' meetings. Places where they may be held.*—In all cases where it is not otherwise provided by law, the meetings of stockholders of every corporation organized under this Code shall be held at its principal office in the island of Porto Rico. Whenever for any reason a legal meeting of the stockholders cannot be otherwise called, three or more stockholders having voting powers may call such meeting by publishing a thirty days' notice of the time, place and purpose of the meeting in a newspaper published in the island of Porto Rico, and mailing such notice to all stockholders whose post office address is known or can be ascertained. A meeting so called shall be a legal meeting of the corporation and if there shall be no officers present the stockholders may elect officers for the meeting and the secretary of the meeting shall record the proceedings thereof in the book of the minutes of the corporation.

SECTION 42.—(b) *Liabilities of Stockholders.*—Where the whole capital of a corporation shall not have been paid in, and the portion of the capital which has been paid in shall be insufficient to satisfy its debts and obli-

gations, each stockholder shall be bound to pay on each share held by him the sum necessary to complete the amount of such share as fixed by the charter of the corporation, or such proportion of that sum as shall be necessary to satisfy such debts and obligations. The directors of every corporation may from time to time issue calls for the payment of instalments upon the shares of stock subscribed for, which instalments shall not exceed in total the par value of such stock. Thirty days' notice of such call and of the time and place of payment shall be given to each stockholder, either personally or by registered mail. If the owner or any share shall neglect to pay any instalment of his subscription to capital stock included in any such call for thirty days after the time appointed for payment of the same, the treasurer, upon the order of the board of directors, shall sell at public auction such number of shares of the delinquent owner as will pay all instalments then due from him, with interest and all necessary incidental charges, and shall transfer the shares sold to the purchaser, who shall be entitled to a certificate therefor, and shall pay over the proceeds to the delinquent owner, less all charges and expenses entered against such delinquent stock on the books of the corporation. Notice of the time and place appointed for such sale and of the sum due on each share shall be given by the treasurer by advertising the same for three successive weeks, once in each week, before the sale, in a newspaper published in the island of Porto Rico, and by sending by registered mail a copy of such notice to the delinquent stockholder at the post office address given in the articles of incorporation or entered on the books of the corporation.

SECTION 43. — *Certificates as to paid-in capital.*—Upon

payment of each instalment of capital stock made subsequently to the filing of the articles of incorporation and of each instalment of every increase thereof, the president and secretary or treasurer shall make a certificate stating the amount so paid, and whether paid in cash or by the purchase of property, stating also the total amount of capital stock previously paid and reported, which certificate shall be signed and sworn to by them, and they shall, within ten days after such payment, cause the certificate to be filed in the office of the Secretary of Porto Rico. If any of the said officers shall neglect or refuse to perform the duty required in this section for thirty days after a written request so to do by a creditor or stockholder of the corporation, they shall be jointly and severally liable for all its debts contracted before the filing of such certificate.

SECTION 44.—*Changes in corporations.*—Every corporation organized under this Code may amend its articles of incorporation by changing the corporate object or objects, changing the name, increasing or decreasing the capital stock, changing the par value and number of shares of its capital stock, changing the location of its principal office in the island of Porto Rico, extend the term of corporate existence limited in the articles of incorporation, or make such other amendment, change or alteration as may be required, provided that such certificate of amendment, change or alteration shall contain only such provisions as it will be lawful and proper to insert in original articles of incorporation made at the time of making such amendment; and provided also that for filing such amendment to the articles of incorporation the Secretary of Porto Rico shall charge the same fees as for filing the original articles. Such amendments, changes or alterations shall be made

in the following manner: The board of directors shall pass a resolution declaring that such change or alteration is advisable and calling a meeting of the stockholders to take action thereon. The meeting shall be held upon such notice, as the by-laws provide, and in the absence of such notice, upon thirty day's notice given personally or by registered mail. If holders of two-thirds of the amount of the capital stock issued shall vote in favor of such amendment, change or alteration, a certificate thereof shall be signed by the president and secretary under the corporate seal and acknowledged by a notarial act, and such certificate, together with the assent given in person or by proxy, of stockholders representing two-thirds of the total number of shares issued, shall be filed in the office of the Secretary of Porto Rico, and upon the filing of the same, the articles of incorporation shall be deemed to be amended accordingly.

III. PAYMENT OF CAPITAL STOCK; DIVIDENDS.

SECTION 45.—*Payment of capital stock.*—Except as provided in this section, nothing but money shall be considered as payment of any part of the capital stock of any corporation organized under this Code. Any corporation organized under this Code may purchase property necessary for its business, or shares in the stock of any other corporation or corporations, owning property necessary for its business, and may issue shares to the amount of the value thereof in payment therefor, and the shares so issued shall be full paid stock and not liable to any further call, neither shall the holder thereof be liable to any further payment under the provisions of this Code, and in the absence of actual fraud in the transaction the judgment of the direc-

tors as to the value of the property purchased shall be conclusive. In all statements and reports of the corporation to be published or filed, these shares of stock shall be reported in these respects according to the facts and not as being issued for cash paid to the corporation.

SECTION 46.--*Payment of dividends.*—No corporation shall make dividends except from a surplus of any profits arising from its business, nor divide, withdraw nor in any way pay to its stockholders any part of its capital stock or reduce its capital stock except in accordance with this Code, and in case of any violation of the provisions of this section, the directors under whose administration the same may happen shall be jointly and severally liable at any time within six years after paying such dividend to the corporation and its creditors in the event of its dissolution and insolvency to the full amount of the dividends made or capital stock so divided, withdrawn, paid out or reduced, with interest on the same from the time such liability accrued; *Provided*, that any director may exonerate himself from such liability by causing his dissent to be entered at large on the minutes of the directors at the time when such act or resolution was taken or immediately after he shall have received notice of the same. Unless otherwise provided in the original or amended articles of incorporation or in a by-law adopted by a majority of the stockholders, the directors of every corporation formed under this Code shall, in January of every year, after reserving over and above its capital stock paid in as a working capital for such corporation, such sum, if any, as shall have been fixed by the stockholders, declare a dividend among its stockholders of the whole of its accumulated profits exceeding the amount

so reserved and pay the same to such stockholders on demand.

IV. ELECTIONS; TRANSFER BOOKS; STOCKHOLDERS' MEETINGS;
VOTING.

SECTION 47.—Every corporation organized under this Code shall keep at its principal office in the island of Porto Rico transfer books, in which the transfer of shares of stock shall be registered, and stock books, which shall contain the names and addresses of the stockholders and the number of shares held by them, which shall at all times during the usual hour of business be opened to the examination of any stockholders. At least ten days before every election of directors or officers after the first, the directors shall cause the secretary, or other officer designated by them, having charge of such books, to make a full, true and complete list, in alphabetical order, of all the stockholders, entitled to vote at the ensuing election with the residence of each and the number of shares held by each. This list shall at all times during the usual hours of business be kept open to the examination of any stockholder at the principal office of the corporation in the island of Porto Rico, and any corporate officer having charge of such books or list who shall upon the demand of any stockholder refuse or neglect to submit them to examination shall for each such offense, forfeit the sum of two hundred dollars, to be recovered by an action in any District Court, of which one hundred dollars shall be for the use of the People of Porto Rico, and the remainder together with the costs of the suit shall be for the use of him who sues for the same. The books aforesaid shall be the only evidence as to who are the stockholders entitled to examine such books or list and to vote at such election. The board of

directors shall produce at the time and place of such election such books and list, there to remain during the election, and the neglect or the refusal of the said directors to produce the same shall render them ineligible to any office at such election. Any stockholder whose name shall be excluded from such a list may, upon proper notice, obtain a summary order from the District Court within whose jurisdiction the principal office is situated directing that his name be placed upon the list aforesaid.

SECTION 48.—*Election of Directors.*—All elections of directors shall be by ballot, unless otherwise expressly provided in the articles of incorporation. At every such election the polls shall be opened between the hours of nine o'clock in the morning and five o'clock in the afternoon, and shall close before nine o'clock in the evening, and shall remain open at least one hour, unless all the stockholders are present in person or by proxy and have sooner voted, or unless all the stockholders waive this provision in writing. The persons receiving the greatest number of votes shall be the directors, provided that the majority in interest of all stockholders shall be present in person or by proxy at such election in order to constitute a quorum. Except in the first election of directors, no person who is a candidate for the office of director shall act as judge, inspector or clerk for any election of directors, and if any candidate shall so act and be elected, his election shall be void, and the directors shall not appoint such persons as directors within the twelve months next succeeding.

SECTION 49.—*Voting.*—If it be so provided in the articles of incorporation, as originally filed or as amended, at any election of directors of any corporation organized under this Code, each stockholder shall be ent-

itled to as many votes as shall equal the number of his shares of stock multiplied by the number of directors to be elected, and he may cast all of such votes for a single director or may distribute them among the number to be voted or any two or more of them, as he may see fit, which right, when exercised, shall be termed "cumulative voting". No share of stock shall be voted on at any election which has been transferred on the books of the corporation within twenty days next preceding such election. Unless otherwise provided in the articles of incorporation at every election each stockholder, whether resident or non-resident, shall be entitled to one vote in person or by proxy for each share of the capital stock held by him; but no proxy shall be voted on three years after its date. Shares of stock of a corporation belonging to said corporation, commonly known as "treasury stock", shall not be voted upon directly or indirectly. Any person holding stock in any representative or fiduciary capacity may represent the same at all meetings of the corporation, and any stockholder who has pledged his stock as collateral security may vote thereon as a stockholder, unless on the transfer to the pledgee on the books of the corporation he shall have expressly empowered the pledgee to vote thereon, in which case only the pledgee or his proxy may represent the said stock and vote upon it.

SECTION 50.—*Time and place of holding elections.*—Elections of directors must be held in the principal office of the corporation in the island of Porto Rico. If any election for director of any corporation shall not be held on the day designated by the articles of incorporation the directors shall cause the election to be held as soon thereafter as conveniently may be. The failure to elect directors at the designated time shall not

work a forfeiture or dissolution of the corporation. Any District Court of the island may summarily order an election to be held upon the application of any stockholder in case of the fallure or neglect of the directors to procure an election and may punish the directors for contempt for their failure to obey the order.

SECTION 51.—*Complaints concerning elections; Judicial investigations.*—Any District Court of the island of Porto Rico, upon the application of any person who may be aggrieved by any election or any proceeding, act or matter, in or touching the same, may, after reasonable notice to the adverse party or to those who are to be affected thereby, of such application, proceed forthwith and in a summary manner to hear the proofs and allegations of the parties and otherwise inquire into the matter of causes of complaints, and thereupon ratify the election complained of or order a new election or make such an order and give such relief in the premises as right and justice may require. If the case require it, it may request the Attorney General of Porto Rico to take such action in the premises as may be proper under the law of procedure. Pending any investigation had under this section, the District Court may make an order staying any and all proceedings on the part of the directors of the corporation in question which might tend to prejudice or impair a right or remedy of any party to the controversy.

V. ANNUAL REPORTS OF CORPORATIONS.

SECTION 52.—Every domestic corporation and every foreign corporation doing business in the island of Porto Rico shall file in the office of the Secretary of Porto Rico annually and within the month of July a report authenticated by the signatures of the president and

one other officer, or by any two directors of the company, stating (1) the name of the corporation; (2) the location, town or city, street and number, if number there be, of its principal office in the island of Porto Rico and if a foreign corporation, the name of the agent upon whom process against the corporation may be served; (3) the object or objects of its business; (4) the amount of its authorized capital stock, the amount actually issued and outstanding, and the amount thereof actually paid in; a statement of its existing liabilities; (5) the names and post office addresses of all the directors and officers of the company and the time when the term of office of each expires; (6) the date appointed for the next annual meeting of the stockholders for the election of directors; (7) whether such corporation has kept at its principal office in the island of Porto Rico a transfer book in which the transfers are made, and a stock book containing the names and addresses of the stockholders and the number of shares held by them respectively, open at all times to the examination of stockholders as required by law. Any corporation failing to make such a full report shall forfeit to the island of Porto Rico two hundred dollars to be recovered with costs in an action to be prosecuted by the Attorney General.

VI. DISSOLUTION.

SECTION 53.—Whenever in the judgment of the board of directors it shall be deemed advisable that a corporation organized under this Code shall be dissolved, the directors within ten days after the adoption of a resolution to that effect that by a majority of them at any meeting called for that purpose, of which meeting each director shall have received at least three days notice,

shall cause notice of the adoption of such a resolution to be mailed to each stockholder residing in Porto Rico or in the United States, and also beginning within said ten days cause a like notice to be published in a newspaper of the island of Porto Rico four weeks successively, at least once a week, next preceding the appointment of the same. Any meeting of the stockholders to take action upon a resolution so adopted by the board of directors shall be held between the hours of ten o'clock in the forenoon and three o'clock in the afternoon of the day so named, and may on the day so appointed be adjourned by the consent of a majority in interest of the stockholders present from time to time for not less than eight days at any one time, of which adjourned meeting notice in the said newspaper shall be given. If at any such meeting two-thirds in interest of all the stockholders shall consent a dissolution shall take place and shall signify their consent in writing, such consent together with a list of the names and residences of the directors and officers, certified by the president or secretary and treasurer, shall be filed in the office of the Secretary of Porto Rico, who, on being satisfied by due proof that the requirements have been complied with, shall issue a certificate that such consent has been filed, and the board of directors shall cause such certificate to be published four weeks successively, at least once a week in a newspaper published in the island of Porto Rico, of an affidavit that said certificate has been so published the corporation shall be dissolved and the board of directors shall proceed to liquidate the business and affairs of such corporation. Whenever all the stockholders shall consent in writing to a dissolution, no meeting or notice thereof shall be necessary, and the Secretary of Porto Rico shall forthwith issue a certificate

of dissolution on filing such consent in his office, which certificate shall be published as above provided.

SECTION 54.—*Corporate existence pending dissolution.*—All corporations, whether they expire through the limitation contained in the articles of incorporation, or are annulled by the Legislature, or otherwise dissolved shall be continued as bodies corporate for the purpose of prosecuting and defending suits by or against them, and of enabling them to settle and close their affairs, to dispose of and convey their property and to divide their capital; but not for the purpose of continuing the business for which they were established.

SECTION 55.—*Directors as trustees, pending dissolution.*—Upon the dissolution in any manner of a corporation, the directors shall be trustees pending the liquidation, with full power to settle the affairs, collect the outstanding debts, sell and convey the moneys and other properties among the stockholders after paying its debts, so far as such moneys and property shall suffice. They shall have power to meet and act under the by-laws of the corporation and under regulations to be made by a majority of the said trustees to prescribe the terms and conditions of the sale of such property, or may sell all or any part for cash or partly on credit or take mortgages for part of the purchase price for all or any part of the said property.

SECTION 56.—*Powers and liabilities of trustees in liquidation.*—The directors constituted trustees as aforesaid shall have power to sue for and recover the aforesaid debts and property by the name of the corporation and shall be suable by the same name, or in their own names or individual capacities for the debts owing by such corporation, and shall be jointly and severally responsible for such debts to the amount of the money

and property of the corporation which shall come to their hands or possession as such trustees.

SECTION 57.—*Judicial appointment of liquidators.*—When any corporation shall be dissolved in any manner whatever, the District Court having jurisdiction of the place where its principal office in the island of Porto Rico is situated, on application of any creditor or stockholder, may at any time either continue the directors trustees as aforesaid, appoint one or more persons to be liquidators of such corporation to take charge of the assets and effects thereof, to collect the debts and property due and belonging to the corporation, with power to prosecute and defend in the name of the corporation, or otherwise, all suits necessary or appropriate for the purposes aforesaid, or to appoint an agent or agents under them, or to do other acts that might be done by such corporation if in being that may be necessary for the final settlement of its unfinished business, and the powers of such trustees or receivers may be continued so long as the courts shall think necessary for such purpose.

SECTION 58.—*Distribution of assets by trustees or liquidators.*—The said trustees or liquidators shall pay ratably, so far as its assets shall enable them, all the creditors for the corporation who prove their debts in the manner directed by the court or by the law of civil procedure. If any balance remain after the payment of such debts and necessary expense, the same shall be distributed among the stockholders.

SECTION 59.—*Pending suits not affected by dissolution.*—Any suit now pending or hereafter to be begun against any corporation which may become dissolved before final judgment, shall not lapse by reason of such dissolution; but no judgment shall be entered in any

such action except upon notice to the trustees or liquidators of the corporation.

SECTION 60.—*Final decree in liquidation proceedings.*—A copy of every judicial decree or judgment in proceedings for liquidation had after the dissolution of a corporation shall be filed by the clerk of the court in the office of the Secretary of Porto Rico and a minute thereof shall be made by the Secretary on the articles of incorporation and in the index thereof.

VII. LIABILITIES OF DIRECTORS.

SECTION 61.—*False certificate.*—If any certificate made or any public notice given by the officers of any corporation in pursuance of the provisions of this Code shall be false in any material representation, all of the directors who shall have signed the same knowing it to be false shall be jointly and severally liable for all the debts of the corporation contracted while they were stockholders or officers thereof.

SECTION 62.—*Corporate indebtedness.*—No corporation shall incur any indebtedness for any purpose whatever in excess of the paid-up value of its capital stock or of the value of its property and assets. The directors who shall authorize by their votes the incurrence of any such indebtedness shall be jointly and severally liable individually for the amount of such indebtedness, and the said liability shall be enforced in any action brought by any creditor who shall establish therein that judgment has been rendered for his claim and that the liquidated assets of the corporation have been insufficient to pay the same.

SECTION 63.—*Fees for incorporation under this Code.*—For receiving and filing the articles of incorporation of any corporation organized under this Code, the Secre-

tary of Porto Rico shall charge and collect the sum of fifteen (15) cents on each one thousand (1,000) dollars of capital stock, *provided*, however, that no corporation shall pay a filing fee of less than twenty-five (25) dollars nor more than five hundred (500) dollars for filing its articles of incorporation. For every certificate of increase of capital stock, he shall charge and collect the sum of fifteen (15) cents on each one thousand (1,000) dollars of such increase, and the sum so collected shall not in any case be less than twenty-five (25) dollars and the total amount so paid for filing the original articles of incorporation and for filing the certificate of increase shall not exceed five hundred (500) dollars. No fee shall be collected for filing articles of incorporation of any charitable, religious or educational institution.

SECTION 64.—All laws, acts, royal decrees, general orders, or parts thereof, in conflict with the provisions of this Chapter are hereby repealed.

CHAPTER II.

REGARDING FOREIGN CORPORATIONS.

SECTION 65.—All corporations or joint stock companies, organized under the laws of any state, or of the United States, or of any foreign government, shall, before doing business within this island, file in the office of the Secretary, a duly authenticated copy of their charters or articles of incorporation, and also a statement verified by the oath of the president and secretary of said corporation, and attested by a majority of its board of directors, showing:

1.—The name of such corporation and the location of its principal office or place of business, without this Island; and if it is to have any place of business or principal office within this Island, the location thereof.

2.—The amount of its capital stock.

3.—The amount of its capital stock actually paid in, in money.

4.—The amount of its capital stock paid in, in any other way, and in what.

5.—The amount of the assets of the corporation and of what the assets consist, with the actual cash value thereof.

6.—The liabilities of such corporation and if any of its indebtedness is secured, how secured, and upon what property.

SECTION 66.—Such corporation or joint stock company shall also file, at the same time, and in the same office a certificate, under the seal of the corporation, and the signature of its President, Vice President, or other acting head, and its Secretary, if there be one, certifying that the said corporation has consented to be sued in the courts of this Island upon all causes of action arising against it in this Island, and that service of process may be made against some person, a resident of this Island, whose name and place of residence shall be designated in such certificate, and such service when so made upon such agent shall be valid service on the corporation or company, and such agent shall reside at the principal place of business of such corporation or company.

SECTION 67.—The written consent of the person so designated to act as such agent, shall also be filed in like manner, and such designation shall remain in force until the filing in the same office of a written revocation thereof or of the consent, executed in like manner. A certified copy of a designation so filed, accompanied with a certificate that it has not been revoked is presumptive evidence of the execution thereof, and conclusive evidence of the authority of the officer executing it.

SECTION 68.—If any foreign corporation shall attempt or commence to do business in this Island without having first filed said statements, certificates and consents, required by this Code, it shall forfeit to the people of this Island the sum of ten dollars for every day it shall so neglect to file the same. It shall be the duty of the Attorney General to sue for and recover, in the name of the Island, the penalty above provided, and the same, when so recovered, shall be paid into the treasury for the use of the Island.

SECTION 69.—Every such corporation shall annually, and within twenty days from the first day of July of each year, make a report, which shall be in the same form and contain the same information as required in the statement mentioned in Section 1 of this Chapter, which report shall be filed in the office of the Secretary.

SECTION 70.—Any foreign corporation that has heretofore engaged in business, performed acts, or made contracts in this Island, may within ninety days from the date this Code goes into effect comply with the provisions hereof, and thereupon all its acts and contracts done and made before this Code goes into effect, shall be valid and enforceable, any statute of this island, or any order heretofore enacted or made to the contrary notwithstanding.

SECTION 71.—Foreign life insurance companies, not on the assessment plan, are hereby declared to be embraced within the provisions of this act; *Provided*, that such foreign insurance, surety or building and loan companies as have filed their charters and taken out certificates in accordance with general orders No. 94, series of 1900, of the late military government of Porto Rico shall be relieved from the provisions of this Code, and the Treasurer of Porto Rico shall transfer to the

Secretary of Porto Rico, the charters, statements and certificates of such companies filed in accordance with said general orders.

CHAPTER III.

CO-OPERATIVE BUILDING, SAVINGS AND LOAN ASSOCIATIONS.

SECTION 72.—Any number of persons not fewer than ten, citizens of Porto Rico or of the United States, may form an association for the purpose of accumulating the savings of its members paid into such association in fixed periodical instalments, and to build or helping to build homes or houses for its members and lending its funds so accumulated together with the interest and premiums earned by such fund as hereinafter provided. Such association shall become a corporation upon complying with the provisions of Section 74 of this Chapter.

SECTION 73.—The said ten or more persons desiring to form a corporation under this Code shall make, sign and acknowledge before an official authorized to take acknowledgement of deeds and file in the office of the Secretary of Porto Rico a certificate wherein shall be stated the nature of the said association, that the association is formed under and for the purpose prescribed in this Chapter; the district within which the operations of the association will be conducted, which may be the island of Porto Rico or any one or more of the municipalities therein; its principal place of business, the person or officer upon whom legal service may be had, and the limit of capital to be accumulated. The name of the association shall contain as its final words the words "Co-operative Building, Savings and Loan Association", and no corporation or association shall be permitted to include in its title such words unless it is organized

under and in pursuance of the provisions of this Chapter. The object of such association shall be to encourage among its members industry, providence, home building and farm improvement through their union in co-operative or mutual effort. When such certificate has been duly filed with the Secretary of Porto Rico, said official shall issue a copy of said certificate under his certificate and seal, stating the time of recording the same and thereupon the persons executing such declaration, and their associates, successors, and assigns, shall become a body politic and corporation and in their corporate name may contract, sue and be sued, and may hold and convey real estate and personal property as hereinafter provided.

SECTION 74.—The capital stock of any association incorporated under this Code shall consist of the accumulated savings of its members which it holds, and shall at no time consist in the aggregate of more than one million dollars, to be divided into shares of the par value of one hundred dollars each. Such shares may be issued from time to time as demand for them exists, or may be issued in series. The instalments in which the stock is to be paid and the time and place of payment shall be as the by-laws may provide; but no periodical payment of such instalment shall be required exceeding fifty cents per week on each one hundred dollars of stock. Every share of stock shall be subject to a lien for the payment of unpaid instalments and other charges incurred thereon under the provisions of the constitution and by-laws; and the by-laws may prescribe the form and manner of enforcing such lien. In lieu of the shares withdrawn, forfeited, retired, or expired, new stock may be issued in such manner as the board of directors conformably to the by-laws may determine;

but at no time shall the outstanding stock in any series exceed one hundred thousand dollars, nor of the association, exceed one million dollars.

SECTION 75.—The business of the association shall be managed by a board of directors of not less than five persons, who shall be stockholders of the association, and who shall be selected by the stockholders as the by-laws of the association may provide. The number, function, qualifications and compensation of these and other officers, their terms of office, the times of their election, as well as the qualifications of the electors, and the votes and manner of voting, and the periodical meetings of such corporation, shall be determined by the by-laws of such association when not provided by this Chapter: *Provided*, that in no case shall the receipts from dues or interest be drawn upon for the payment of salaries or other operating expenses of the association. No corporation or association created under this Code shall expire from neglect on the part of the corporation to elect directors or officers at the time mentioned in its by-laws, and all directors and officers elected by such corporation shall continue in office until their successors are duly elected.

SECTION 76.—The directors shall hold monthly meetings for the purpose of loaning all moneys accumulated, and for the transaction of other business. All receipts of the association, after due allowance for all necessary expenses and the cancellation of shares, shall at each such monthly meeting be loaned to its members at an interest not exceeding six per cent per annum plus such premiums as may be offered by the members desiring the loans for the preference or priority of right to the loans. Premiums for loans shall consist of an annual interest upon the sum desired, payable monthly

at the time of the payment of the regular interest and dues, and shall not be deemed usurious. The by-laws of the association shall prescribe the manner of awarding loans to its members; the time or times, if any, when the premiums shall be paid; the rate of interest to be charged, not exceeding six per cent., per annum, and the time when the interest shall be paid. Each member whose bid is accepted shall be entitled, upon giving proper security, to receive a loan of one hundred dollars for each unpledged share held by him or such fractional part of one hundred dollars as the by-laws may allow. Loans shall be made only to members except that when the demand on the part of members is insufficient to absorb all the moneys of the association available for loan, the balance remaining unloaned may be used by the association to retire unpledged shares, or may be loaned to person not members of the associations, or invested in securities under such restrictions and safeguards as the by-laws may provide but in no case shall the sum loaned to persons not members of the association, or invested in securities other than those given by members as security for their loans, exceed ten per cent, of the total amount of outstanding loans of the association. For every loan made to a member a note shall be given accompanied by a transfer and pledge of the shares of the corporation and secured by a mortgage on real estate situated within the district within which the association is authorized to conduct its business, unencumbered by any mortgage or lien other than such as may be held by the association making the loan. The shares so pledged shall be held by the corporation as collateral security for the performance of the conditions of said note and mortgage. Said note and mortgage shall recite the number

of shares pledged and the amount of money advanced thereon and shall be conditioned for the payment of the dues on said shares at the intervals required by the by-laws and the interest and premium upon the loan, together with all fines and payments in arrears, until said shares reach the ultimate value of one hundred dollars each, or said loan is otherwise cancelled and discharged: *Provided*, that shares without other security may in the discretion of the directors be pledged as security for loans to an amount not exceeding their value as adjusted at the last adjustment and valuation of shares before the time of the loan, If the borrower neglects to offer security satisfactory to the directors within the time prescribed by the by-laws his right to the loan shall be forfeited and he shall be charged with one month's interest and one month's premium at the rate bid by him together with all expenses, if any, incurred, and the money appropriated for such loan may be re-loaned at the next or any subsequent meeting.

SECTION 77.—A borrower who is not in arrears for dues, interest, premiums, fines, or assessments, may repay his loan at any time, and may at the same time withdraw from the association, and for that purpose he shall pay to the association, or to the officer authorized to receive the same, the full face amount of the principal of his loan, less the withdrawal value of his shares as provided by the by-laws; and on such payment being made, the stock held by such person upon which his loan was made, shall be surrendered to the association and shall be cancelled; and thereupon the proper officer of such association shall immediately deliver to such borrower his note, or bond and mortgage or other evidence of such loan, and shall also enter record of a full satisfaction of such mortgage, which entry shall

be a complete extinguishment of such mortgage and the debt thereby secured.

SECTION 78.—Any corporation may purchase at any sale, public or private, any real estate upon which it may have a mortgage, judgment, lien or other encumbrance, or in which it may have an interest, and may sell, convey or lease the said real estate so purchased, and, on the sale thereof, may take a mortgage in common form thereon to secure the payment of the whole or part of the purchase money. All real estate so acquired shall be sold within five years from the acquisition of the title thereto: *Provided*, however, that the Treasurer of Porto Rico may, upon the petition of the corporation, and for good cause shown, grant an additional time for the sale of the same; and *Provided*, further, that any such association shall have the right to acquire and hold as long as it deems proper such real estate as it may need for its own business office; and *Provided* further that any such association may buy lands and improve the same and sell or dispose of its rights to such lands or part thereof to its own members but the tract of land for such purpose acquired or transferred to the association, shall at no time exceed fifty acres, which must be disposed of by the association before the expiration of ten years from the date that said lands were acquired.

SECTION 79.—Any stockholder wishing to withdraw from such corporation may do so upon thirty days' notice given to the board of directors, whereupon such withdrawing stockholder shall be entitled to receive the amount paid in upon the stock to be withdrawn less all fines and other charges thereon: *Provided*, that when the withdrawal occurs after the expiration of one year from the time payment upon the stock to be with-

drawn was begun, he shall receive in addition to the amount paid in, less fines and other charges as aforesaid, such proportionate part of the profits as the by-laws may determine: *Provided*, that at no time shall more than one-half of the funds in the treasury be applicable to demands of withdrawing stockholders, unless the board of directors in its discretion, shall order otherwise, and the board may, in its discretion, waive the notice hereinbefore required as to any withdrawal. No stock shall be withdrawn which is at the time held in pledge for security. No fine shall be charged to a deceased member's account for any default occurring after his death unless the legal representatives of the decedent shall have assumed the future payments on the stock.

SECTION 80.—The association shall have power to charge an entrance fee upon each share issued not exceeding twenty-five cents or, in lieu thereof, a membership fee not exceeding one dollar. It shall also have power to charge in addition to the amounts heretofore provided by this chapter, a sum not exceeding twenty-five cents per month upon each share of stock, for the purpose of defraying the expenses of the association, which sum shall be payable with the regular instalment; to make assessment upon the capital stock to cover losses; and shall also have the power to provide in its by-laws for the charge and collection of fines and penalties from delinquent stockholders for non-payment of instalments of dues, interest, premiums and charges. No fine shall be charged after the expiration of three months from the first lapse in any such payment, nor upon a fine in arrears. The shares of a member who continues in arrears more than three months shall, at the option of the directors, if the member fails to pay

the arrears within thirty days after notice, be declared forfeited, and the withdrawing value of the shares at the time of forfeiture shall be ascertained, and, after deducting all fines and other legal charges the balance remaining shall be transferred to an account to be designated the "Forfeited Share Account" to the credit of the defaulting member: *Provided*, however, that no member whose shares are withdrawn, forfeited, or retired, shall be charged with fines in excess of the profits distributed thereto and if no profits shall have been distributed to such shares no fines shall be charged thereon. Said member if not a borrower, shall be entitled upon thirty days notice, to receive the balance so transferred without interest from the time of the transfer in the order of his turn from out of the funds appropriated to the payment of withdrawals. All shares so forfeited or transferred shall cease to participate in any profits of the corporation accruing after the last adjustment and valuation of shares before said forfeiture. If a borrowing member is in arrears for dues, interest, premium, or fines, for more than three months, the directors may, at their discretion declare the shares forfeited after one month's notice if the arrears continue unpaid. The account of such borrowing member shall then be debited with the arrears of interest, premiums, fines, taxes, insurance and other necessary payments made on his behalf to date of forfeiture and the shares shall be credited upon the loan at their withdrawing value. The balance of the account may, and after six months shall, be enforced against the security and be recovered as secured debts are recovered at law.

SECTION 81.—When the periodical payments on account of any share and the interest and profits credited to such share together equal one hundred dollars such

shares shall be deemed to be matured and all payments of dues thereon shall cease, and the holder shall be paid out of the funds of the association one hundred dollars; *Provided*, however, that at no time shall more than one-half of the fund in the treasury of the association be applicable to the payment of matured shares without the consent of the board of directors. The order of payment of the matured shares shall be determined by the by-laws. The directors may, in their discretion, under rules made by them, retire shares that have not matured; *Provided*, however, that whenever shares that have not matured are thus retired the shares to be retired shall be determined by lot and the holders thereof shall be paid the full withdrawal value of their shares less all fines and a proportionate part of any unadjusted loss.

SECTION 82.—The profits and losses may be distributed annually, semi-annually, or quarterly, to the shares then existing, but shall be distributed at least once in each year and whenever a new series of shares is to be issued. Profits and losses shall be distributed to the various shares existing at the time of such distribution, whether free or pledged shares, in proportion to their value at that time and shall be computed upon the basis of a single share fully paid to the date of distribution.

SECTION 83.—At each periodical distribution of profits the directors shall reserve as a guarantee fund a sum not less than one per cent nor more than five per cent of the net profits accruing since the next preceding adjustment, until such fund amounts to ten per cent, of the total amount that has been paid in as dues on shares then outstanding, and said funds shall be at all times available to meet losses in the business of the

corporation from depreciation of its securities or otherwise.

SECTION 84.—Free shares may be transferred, but no transfer of shares shall be binding upon the association until the same shall have been made upon the books of the association; and the transferee thereof shall take the same charged with all the liabilities and conditions attaching thereto in the hands of the one transferring the same. The association may require a "transfer fee" not exceeding twenty-five cents per share, or, in lieu thereof, a total fee not exceeding one dollar on each transfer.

SECTION 85.—Infants may become stockholders in any corporation organized under this Code the same as adults, and such infant stockholders shall be subject to the same duties and liabilities in respect to their stock as adult members. Any receipt, release, acquittance or discharge given to the corporation by an infant stockholder shall be binding upon the infant to the same extent as if such infant were of full age.

SECTION 86.—When, in case of any loan made by any such corporation, the borrower, or any other person furnishing security in behalf of the borrower, shall, as an inducement to the corporation to make the loan, represent to it in writing that he or she is over the age of twenty-one years, whereas in fact such person so representing is under lawful age and the association is thereby deceived and the loan is upon such representation made, neither such person so representing nor anyone else in his or her behalf shall afterwards be allowed as against said corporation to take advantage of the fact that he or she was not of full age, but such person shall be estopped by such representation.

SECTION 87.—On or before the first day of May of

each year, the secretary of every co-operative building, savings and loan association shall file with the Treasurer of Porto Rico a statement, verified by said secretary, showing the amount paid into said association by shareholders upon shares of stock issued by it up to the first day of April preceding, and then outstanding, and also the amount loaned up to the said date to shareholders or others and secured by mortgage upon real estate, by note or bond secured by mortgage, stock of the association, or collateral security. The treasurer of Porto Rico shall thereupon assess the association for purposes of taxation in a sum equal to the amount shown to have been paid into said association up to said first day of April upon outstanding shares of stock, less the amount shown by the statement to have been loaned to shareholders upon such security. Neither such association nor the shareholders therein shall be liable to taxation upon the shares of stock issued by such association, except as provided by this Chapter, and all laws, or parts of laws, in conflict herewith are hereby repealed.

SECTION 88.—The fiscal year of each association shall be the calendar year. Prior to February one of each year the secretary of each association shall file with the Treasurer of Porto Rico a statement under oath showing accurately the condition thereof at the close of business on December thirty-one preceding and its operations during the preceding year. Such report shall be in the form and include such information as the Treasurer of Porto Rico may by regulation prescribe. Such report shall also be certified to under oath by the president and five or more of the directors of the association as correct according to their best knowledge and belief. Every association neglecting to make this report or the

one required in Section 90 on or before the time required by this Code or to amend such report within fifteen days when notified by the Treasurer of Porto Rico so to do, shall forfeit five dollars for each day's neglect. The Treasurer of Porto Rico shall include in his annual reports a statement of the number, condition and operations of all such associations doing business in Porto Rico.

SECTION 89.—It shall be the duty of the Treasurer of Porto Rico whenever five or more stockholders of any such association request, in a statement of facts made and sworn to by the same, or whenever he shall deem it expedient so to do, in person or by one or more persons to be appointed by him for that purpose not officers of, or in any manner interested in, any such association, except as stockholders, to examine into the affairs of any such association incorporated in or doing business by its agents in Porto Rico, and it shall be the duty of the officers or agents of any such association to cause their books to be opened, for the inspection of the Treasurer of Porto Rico, or the person or persons so appointed, and otherwise facilitate such examination so far as it may be in their power to do; and for that purpose the Treasurer of Porto Rico, or person or persons so appointed by him, shall have the power to examine under oath the officers and agents of such association relative to the business of any such association; and when the Treasurer of Porto Rico shall deem it for the best interests of the public so to do he shall publish the result of any such investigation in one or more newspapers of general circulation published in Porto Rico; *Provided*, that said associations shall not be subject to any expense in any manner by reason of such examination of publication.

SECTION 90.—And whenever it may appear to the said Treasurer of Porto Rico from such examination that the assets of such association incorporated or doing business in Porto Rico are insufficient to justify the continuance in business of any such corporation, he shall communicate the fact to the Attorney General of Porto Rico, whose duty it shall then become to apply to the District Court of the district in which the principal office of said association shall be located for an order requiring it to show cause why the business of such association shall not be closed, and the court shall thereupon proceed to hear the allegations and proofs of the respective parties, either in open court or upon a reference to a master in chancery, and in case it shall appear to the satisfaction of the said court that the assets and funds of the said association are not sufficient as aforesaid, or that the interest of the public require the said court shall decree a dissolution of the said association and a distribution of its effects.

SECTION 91.—The receipts and disbursements of each association shall be audited at the end of each fiscal year of the association and as oftener as each association may require, and a statement of the result of such audits shall be included in the annual report of the association to the members and in its report to the Treasurer of Porto Rico. Such audit may be made by a committee selected from among the directors or other shareholders not officers of the association or by a person or persons not shareholders. Any such association may allow reasonable compensation to its auditing committees for their services as such, and may, for the legitimate purposes of such association, on a vote of a majority of all of its directors, borrow money in anticipation of payment of dues.

SECTION 92.—All laws, orders, or parts thereof, in conflict with the provisions of this Chapter be, and the same are hereby repealed.

TITLE E III.

ABSENCE.

CHAPTER I.

PROVISIONAL MEASURES IN CASE OF ABSENCE.

SECTION 93.—When any person who possesses movable or immovable property or rights and credits relating thereto shall be absent or shall reside out of Porto Rico, without having appointed an attorney in fact to administer his estate, or when the administrator or attorney in fact so named shall die or become legally incapable for any reason of continuing as such, the District Court of the district in which such property is situated shall, on petition of a lawful party of the Public Attorney (Fiscal), appoint an administrator who shall represent the absentee and take charge of the administration of his property.

SECTION 94.—In the appointment of such administrator the District Court shall prefer the husband or wife of the absentee, or his presumptive heirs to other relations; said relations to strangers; and his creditors to those persons not otherwise interested, provided the said creditors are in the full possession of their civil rights and are of good reputation.

SECTION 95.—The administrator appointed shall take an oath to fulfill well and faithfully the duties of his office and to present an exact account of his administration when called upon to do so by the District Court of a party having a legal right thereto.

SECTION 96.—Before entering upon the discharge of his duties, the administrator shall make an inventory with an appraisement of the property of the absentee over which his administration extends, to the District Court appointing him or before a notary public duly authorized to that effect by such court; and he shall, besides, give good and sufficient security to the amount of this inventory, to the satisfaction of the District Court, for the conduct of his administration.

SECTION 97.—The administrator shall only have the right of administering the property of the absentee and in no case shall he sell or mortgage the same. He is also bound, as regards his administration, by the same obligations and responsibilities as those by which tutors are bound, and shall be entitled to the same pecuniary compensation for his services.

SECTION 98.—The administrator of the absentee shall be his legal representative.

SECTION 99.—The administration of the absentee shall cease:

1.—When the absentee or person residing out of Porto Rico appears in person or names an attorney in fact or a representative to administer his property, which person may be either the same who is exercising the administration or any other person.

2.—When the death of the absentee is proven and his testamentary heirs or heirs *ab intestato* appear.

3.—When, after a certain time has elapsed without knowledge of the absentee, his heirs are placed in provisional possession of the estate, in accordance with law.

4.—When a third person appears, proving by proper instruments that he has acquired, by purchase or by any other title, the property of the absentee.

In all these cases, the administrator shall cease in the discharge of his duties and the property shall be placed at the disposal of those having a right thereto.

SECTION 100.—Whenever the administrator or the attorney in fact of the absentee shall present to the District Court a petition made under oath that, according to his knowledge and belief, nothing has been known or heard of the absentee during a period of ten years since his disappearance and that he has no known heirs residing in Porto Rico; or when such facts regarding the absentee are known to the District Court or are duly and satisfactorily proven by any other person than the said administrator or attorney in fact, the District Court shall, in either case, order the sale of the property and effects of the absentee, the proceeds of the same to be paid into the Treasury of Porto Rico in the same manner and under the same conditions as the law provides in cases of vacant successions.

SECTION 101.—The administrator of the absentee shall file annual accounts of his administration, which shall be examined in due course of law contradictorily with an administrator appointed *ad hoc* to represent the absentee.

The judgment rendered with respect to the said accounts shall be considered *prima facie* evidence of their correctness.

SECTION 102.—The administrator shall render a final account of his administration upon the termination thereof, in any of the cases already established for the termination of such administration.

SECTION 103.—If suit be brought against an absentee who has no known attorney in fact in Porto Rico nor administrator appointed for the care of his property, the District Court in which such suit is brought shall

appoint an administrator *ad hoc* to defend the absentee in said suit.

CHAPTER II.

THE PROVISIONAL POSSESSION OF THE PROPERTY OF THE ABSENTEE.

SECTION 104.—If a person shall not have appeared either in person or through an attorney in fact at his place of domicile or habitual residence after five years have elapsed from the time of his departure, or if no news concerning him has been received in the same period of time, his presumptive heirs may, by producing proof of the fact, solicit and obtain from the District Court an order placing them in provisional possession of the estate belonging to the absentee at the time of his departure or the last news received of him, on condition that they give sufficient security for their administration.

SECTION 105.—If the absentee has left a power of attorney to any person at the time of his departure, his presumptive heirs shall not obtain provisional possession of his Estate until seven years have elapsed from the time the said absentee was last heard of.

SECTION 106.—If the power of attorney conferred by the absentee expires, his property shall be administered in the manner established in Chapter I of this Title.

SECTION 107.—Provisional possession may also be ordered before the expiration of the terms above mentioned when there shall be offered strong presumptions that the absentee has perished.

SECTION 108.—In order to decide the petition referred to in the preceding Section the District Court shall take into consideration the motives of the absence and the reasons to which may be attributed the fact that

nothing has been heard as to the whereabouts of the absentee.

SECTION 109.—When the presumptive heirs have been placed in provisional possession of the estate of the absentee, if there exists a will made by said absentee it may be presented or opened at the request of an interested party, and the testamentary heirs, legatees and donees, as well as all persons having a claim against the said estate by reason of his death, may exercise their rights or prosecute their claims on condition that they give sufficient security for their possession and administration.

SECTION 110.—If the will institutes a universal heir, he shall be preferred to the presumptive heir unless they are forced heirs, and shall be given the provisional possession of the property of the absentee, but giving security for his administration.

SECTION 111.—The husband or wife of the absentee who wishes to continue enjoying the benefits derived from the community of property and matrimonial gains, may prevent the provisional possession or exercise of all the rights which may depend upon the death of the absentee, and claim and preserve for himself or herself, in preference to any other person, the administration of the estate of his or her absent husband or wife.

If, on the contrary, the husband or wife of the absentee prefers to have such community dissolved, he or she may exercise all the rights belonging to him or her, first giving sufficient security for such things as may be liable to be restored.

The wife of the absentee who shall have elected to continue the community of property or gains which she may have with her husband, may nevertheless, renounce the same afterwards.

SECTION 112.—Provisional possession is only a deposit investing those who obtain it with the administration of the Estate of the absentee, to whom they are liable in case he appears or is heard from.

The security given by those who are placed in provisional possession of the property of the absentee shall not exceed the probable value of the injury or damage which their maladministration may cause.

SECTION 113.—It shall be the duty of those obtaining provisional possession of the property of the absentee, or of the husband or wife continuing in the administration of the community, to make an inventory of the movables and credits of the absentee, either through the District Court or by a notary public duly authorized by said court.

In case of necessity, the District Court may order that all or a part of the movables be sold, and in this case the proceeds thereof, as also the accrued profits, shall be invested in real property or placed at interest in a safe manner.

SECTION 114.—Those who shall have obtained provisional possession or legal administration of the property of the absentee may petition, for their own security, that the District Court name two experts who, under oath, shall examine the real property of the absentee and report as to its condition. Such report shall afterwards be approved by the court and the expenses which may have been occasioned shall be paid out of the estate of the absentee.

SECTION 115.—The heirs of the absentee placed in the provisional possession of the absentee's property shall return to the latter his property when he appears, together with the surplus of the income after deducting the sum that may have been used for the mainten-

ance of the family and the preservation of the property.

SECTION 116.—Persons enjoying only provisional possession can neither alienate nor encumber the real estate of the absentee.

SECTION 117.—After fifteen years have passed since the day on which the provisional possession of the estate of the absentee was awarded or on which the husband or wife of said absentee took over the administration of the estate belonging to him or to her in accordance with the foregoing provisions, or after ninety years have passed since the birth of the absentee, the District Court shall, on petition of any interested party, declare that he is presumably dead.

SECTION 118.—The resolution of the presumption of death shall not go into effect until after six months, to be counted from its official publication.

SECTION 119.—After the resolution of the presumption of death the securities given to guarantee the provisional possession shall be discharged and the succession to the estate of the absentee opened, and its distribution and proper disposal among his heirs be proceeded with in accordance with law.

Persons having in charge the property of the absentee shall restore the same to the heirs.

SECTION 120.—If the absentee appear or his existence be proven during the provisional possession, the effect of the resolution or decree ordering said provisional possession shall cease, without affecting the validity of the measures taken in compliance with the provisions of Chapter I of this Title for the preservation and administration of the estate of the absentee.

SECTION 121.—If the absentee appear or his existence be proven after others have been put into absolute possession of his estate, he shall recover the said estate

in the condition in which it may be, as also the value of such part of it as has been sold or such property as has been bought with the proceeds of the disposal of his estate.

SECTION 122.—The children or direct descendants of the absentee may, in the same manner and within thirty years from the day in which absolute possession of his estate was awarded, petition for the restitution of his estate in accordance with the provisions of the preceding section.

SECTION 123.—After a judgment ordering the provisional possession or legal administration of the absentee, no person who may have rights to exercise against the absentee, can prosecute such rights, except against those who have been put into provisional possession of the estate, or legally appointed administrators of the same.

CHAPTER III.

THE EFFECTS OF ABSENCE UPON THE EVENTUAL RIGHTS, OF THE ABSENTEE.

SECTION 124.—Any person claiming a right accruing to a person whose existence is not known, shall prove that such person existed at the time when the right in question accrued; and, until this be proved, his demand shall not be admitted.

SECTION 125.—Notwithstanding the provisions of the preceding section, when a succession is opened to which an absentee is called, the share of such absentee shall accrue to his co-heirs, unless there is some person with rights of his own to claim it. In every case, the District Court shall order an inventory of the estate, with the intervention of the Public Attorney (Ministerio Fiscal).

SECTION 126.—The provisions of the preceding section shall not be understood to impair actions petitioning an inheritance or any other rights belonging to the absentee, his representatives and persons holding rights under him. These rights shall not be extinguished except by the lapse of the time fixed for prescription. In the inscription to be made in the registry of the real property which may accrue to the co-heirs, the fact that such property is to remain subject to the provisions of this section shall be clearly expressed.

SECTION 127.—Those who have taken possession of the estate in accordance with Section 125 shall be owners of the income or products thereof received by them in good faith during the time preceding the appearance of the absentee or while his rights are not exercised by his representatives or the holders of rights under him.

CHAPTER IV.

THE EFFECTS OF ABSENCE RESPECTING MARRIAGE.

SECTION 128.—An absence of ten years without news or knowledge of the absentee shall be sufficient cause for the husband or wife of such absentee to contract another marriage; after having been authorized to do so by the District Court on due proof of the said absence and the fact that no news has been received from the absentee within the said period of ten years.

If the absent husband or wife appear after such remarriage, he or she shall be free of his or her first contract and legally capable to contract another marriage.

The marriage entered into by the husband or wife of the absentee, during and on account of the absence, shall remain firm and valid.

TITLE IV.

MARRIAGE.

CHAPTER I.

THE NATURE OF MARRIAGE.

SECTION 129.—Marriage is a civil institution, originating in a civil contract whereby a man and a woman mutually agree to become husband and wife and to discharge toward each other the duties imposed by law. It is valid only when contracted and solemnized in accordance with the provisions of law; and it may be dissolved before the death of either party only in the cases expressly provided for in this Code.

CHAPTER II.

THE REQUISITES NECESSARY TO CONTRACT MARRIAGE.

SECTION 130.—The requisites for the validity of a marriage are:

1. The legal capacity of the contracting parties.
2. Their consent.
3. Authorization and celebration of a matrimonial contract according to the forms and solemnities prescribed by law.

ARTICLE FIRST.—CAPACITY.

SECTION 131.—The following persons are incapacitated to contract marriage:

1. One who is already legally married.
2. One who is not of sound mind.
3. A person of the male sex under eighteen years of age, and a person of the female sex under sixteen years of age. Marriage contracted by persons under

the said age of puberty shall, nevertheless, be valid *ipso facto* and without an express declaration, if one day after having arrived at the legal age of puberty the parties shall have lived together without the representatives of either of them having brought suit against its validity, or if the woman shall have conceived before the legal age of puberty or before having established such suit.

4. A minor who has not secured the consent required by law.

5. A person suffering from physical impotency for the purposes of generation.

6. A widow during a period of three hundred and one days after the death of her husband; or before a child is born, if she is pregnant at the time of such death; and a woman whose marriage has been declared null or has been dissolved, during a like period of time commencing from the date of such nullity or dissolution.

7. A tutor and his decedents with his ward until the accounts of the guardianships shall have been definitely approved and the tutorship has ceased.

SECTION 132.—Nor can the following contract marriage with each other:

1. Ascendants or descendants by consanguinity or affinity.

2. Collaterals by consanguinity within the fourth degree.

3. The adoptive father or mother and the person adopted; the latter with the surviving husband or wife of the adopter; and the adopter with the surviving husband or wife of the adopted.

4. The legitimate descendents of the adopter with the adopted person during the time the adoption exists.

5. The parties to an adultery who have been convicted by a final judgment for five years after.

6. Those who have been condemned as principals or as principal and accomplice responsible for the death of the husband or wife or either of them.

SECTION 133.—The District Courts may for good cause, on petition of an interested party, waive the impediment of the fourth degree of consanguinity.

SECTION 134.—Consent is not valid:

1. When given to an abductor by the abducted before the latter has recovered her liberty.

2. When obtained by violence or intimidation.

SECTION 135.—Minors under twenty-one years, shall require to contract marriage the consent of the persons under whose *patria potestas* they are.

ARTICLE SECOND.—AUTHORIZATION AND CELEBRATION

SECTION 136.—In each municipal court there shall be a book of marriages, which shall be a public record open to inspection without charge; and certified copies of entries thereon shall be issued upon the payment of the fees required by law.

SECTION 137.—Persons desiring to contract marriage shall first present themselves before the municipal judge of their domicil if they should have the same domicil, otherwise to their respective municipal courts and first being duly sworn, shall be examined by the municipal judge as to their legal capacities and incapacities to enter into matrimony. The municipal judge shall record in the book of marriages, a sworn declaration signed by each of the contracting parties, containing the name, surname, age, profession and domicil of each of them and of their respective parents; he shall make record of the relation by consanguinity or affinity, if

any there be, between them; likewise he shall make record of the previous marriage or of the dissolution of the previous marriage of either party and of the children of such previous marriage, with their names, surnames, ages and domicil.

SECTION 138.—Within ten days after such examination, the municipal judge shall either issue or refuse a license authorizing the matrimony; and a record of the issuance of such license, or, in case of its refusal, a record of the reasons for such refusal shall be kept upon the marriage book.

The marriage license shall be addressed to any judge or priest or minister of religion authorized to celebrate marriage.

A fee of one dollar shall be paid for issuing a marriage license.

SECTION 139.—No marriage license shall be issued by any municipal judge when it appears that there is any impediment of law on the part of either of the contracting parties, unless such impediment has been waived by the District Courts in the manner provided by law and a certificate thereof has been filed in the office of such municipal judge and has been recorded on the book of marriages. Nor shall any license be issued to celebrate marriage without the consent of the parents or tutor whenever the said consent be required by law until such consent in writing has been filed in the office of the municipal judge and duly recorded on the marriage book.

SECTION 140.—In case of absence or illness, the parents of either of the contracting parties may appear before the municipal judge and first being duly sworn may be examined by him in the manner provided in Section 137; and the statements made by such parents, or

either of them, shall be accepted by the municipal judge and have the same force and effect as if made personally by the contracting party.

SECTION 141.—In case the contracting parties have different domicils, they may appear respectively before the municipal judge of their respective domicils; but in such cases the licenses shall be issued by the judge of the place where the ceremony is to be performed, but not until the other municipal judge has forwarded to him a certified copy of the record made by the other contracting party.

SECTION 142.—In case of any opposition to the marriage, supported by the sworn statement of the party making it, if the judge shall consider such opposition sufficiently well founded to justify suspending the marriage, he shall do so immediately and shall notify the parties thereto, and the clergyman or minister of the religion or sect who has been selected to officiate at the marriage, if any such election has been made, and shall name a day for hearing the interested parties ordering them to appear before him with any proofs in their possession.

SECTION 143.—The hearing and the decision rendered shall occur within a period not exceeding ten days from the time the opposition shall have been made.

SECTION 144.—Any person may make opposition to a marriage; but if the opposition be overruled, the opposing party shall pay the costs, which payments shall not, however, affect any further liability he may have incurred by reason of such opposition.

SECTION 145.—The municipal judge of the domicil of the contracting parties, and if they have different domicils, the municipal judge of the domicil of the woman, shall be the only persons competent to take

cognizance of oppositions against marriages. Their decisions may be appealed from to the respective District Courts, which courts shall give judgment within a period not exceeding ten days from the date of the appeal from the municipal judge, and should they not do so, the decision of latter shall be final and shall be carried out.

Against the judgment allowing the opposition, recourse may be had to proceedings in an oral and public trial, in the ordinary manner.

SECTION 146.—In case of the refusal of the municipal judge to issue a marriage license, the contracting parties may appeal from such decision to the proper District Court, in the manner provided in Sections 142, 143, 144 and 145.

SECTION 147.—In all cases, whether the marriage be celebrated by a priest or minister or a judge, at least two witnesses shall be present and shall bear witness to the celebration by attaching their signatures to the certificate of marriage.

SECTION 148.—The priest, minister or judge celebrating and solemnizing the marriage shall within two days thereafter forward to the municipal judge by whom the license was issued, a certificate in writing, setting forth the date and place of the marriage and by whom solemnized. This document shall also be signed by the priest, minister or judge, as the case may be, and by the contracting parties and the two witnesses. In case the marriage is celebrated by a judge, it shall be signed also by the clerk of the court and the seal of the court shall be attached thereto.

SECTION 149.—The priest, minister or judge by whom the ceremony is performed shall give to the contracting parties a duplicate certificate.

SECTION 150.—Any clergyman or minister of any religion or sect, whether a citizen of Porto Rico or of the United States, may solemnize marriages in Porto Rico whenever a license has been issued in the manner herein provided.

SECTION 151.—When a marriage is celebrated before a municipal judge, he shall inform the contracting parties of their rights and obligations towards each other in accordance with law, and shall ascertain whether they desire to contract marriage and whether they accept each other as husband and wife. If both answer in the affirmative, the judge shall declare them to be man and wife; and shall make out a marriage certificate which shall be signed by him, the contracting parties, the witnesses and the secretary of the court. A certified copy of the act or document shall be delivered to the contracting parties.

SECTION 152.—The Attorney General shall prepare printed marriage books and printed forms of licenses and certificates necessary to carry out the provisions of this chapter, and he shall furnish such books and blank forms to the municipal judges.

ARTICLE THIRD.—THE PROOF OF MARRIAGE.

SECTION 153.—Marriages solemnized before this Code shall go into effect shall be proven in the manner established by former laws.

Those contracted afterwards shall be proven only by certification from the book of marriages. If this book shall have disappeared any competent proof shall be admissible.

SECTION 154.—In the cases referred to in the preceding article, the uninterrupted living together of the parents as husband and wife, together with the record

of the birth of their children as legitimate children, shall be one of the means of proof of the marriage of the parents, unless it be shown that, either of them was bound by a previous marriage.

SECTION 155.—A marriage contracted in the United States or in a foreign country, where such acts are not required to be registered in a regular and authentic manner, the said marriage may be proven by any of the means of proof admitted by law.

CHAPTER III.

THE RIGHTS AND DUTIES BETWEEN MARRIED PERSONS.

SECTION 156.—The husband and wife shall live together, and owe to each other mutual fidelity and assistance.

SECTION 157.—The husband shall protect his wife and satisfy her needs in proportion to his condition and fortune.

SECTION 158.—The wife shall obey her husband and follow him wherever he elects to reside.

SECTION 159.—The husband shall be the administrator of the conjugal property, except when stipulated otherwise.

The purchases made by the wife out of the conjugal property shall be valid when the said purchases comprise things or articles for the use of the family, in accordance with their social position.

Nevertheless the real property belonging to the conjugal community may not be alienated or burdened, such a transaction being null, except when effected with the mutual consent of both parties to the marriage.

SECTION 160.—Each one of the parties to a marriage is the owner and administrator of his own property.

SECTION 161.—The husband is the legal representative of the conjugal community.

The wife may contract, and appear in court, in all cases referring to the defense of her own rights and property, to the discharge of the *patria potestas*, guardianship or administration conferred on her by the law, and to the exercise of a profession, employment or occupation.

SECTION 162.—The wife shall bear the name of her husband.

CHAPTER IV.

DISSOLUTION OF MARRIAGE.

SECTION 163.—Marriage is dissolved in the following cases:

1. By the death of the husband or wife.
2. By divorce legally obtained.
3. If the marriage be declared null.

TITLE V.

DIVORCE.

CHAPTER I.

GROUND FOR DIVORCE.

SECTION 164.—The causes for divorce are as follows:

- 1.—Adultery on the part of either of the parties to the marriage.
2. Conviction of one of parties to the marriage of a felony, which may involve the loss of civil rights.
3. Habitual drunkenness or the continued and excessive use of opium, morphine, or any other narcotic.
4. Cruel treatment or grave injury.
5. The abandonment of the wife by the husband

or of the husband by the wife for a longer period of time than one year.

6. The absolute, perpetual and incurable impotency occurred after marriage.

7. The attempt of the husband or wife to corrupt their sons or to prostitute their daughters, and connivance in their corruption or prostitution.

8. The proposal of the husband to prostitute the wife.

CHAPTER II.

PROCEDURE IN THE CASE OF AN ACTION FOR DIVORCE.

SECTION 165.—A divorce can only be granted in an action instituted in the ordinary manner, and by judgment rendered therein by a District Court. A divorce cannot be granted when the ground upon which it is sought be the consequence of an agreement or understanding between the husband and wife or an acquiescence of either to secure it.

No person can secure a divorce under this Code who has not resided in the island for one full year next immediately preceding the action, unless the act on which the suit is based has been committed in Porto Rico, or while one of the parties to the marriage resided here.

CHAPTER III.

PROVISIONAL MEASURES TO WHICH A SUIT FOR DIVORCE MAY GIVE OCCASION.

SECTION 166.—If there are children of the marriage whose provisional custody is claimed by both parties to the marriage, they shall be placed under the custody of the wife, during the time the suit is pending, unless

there be strong reasons in the discretion of the District Court for depriving the wife of the custody of her children, either wholly or in part.

SECTION 167.—If a wife who is suing for divorce, shall have left, or declared her intention of leaving the domicil of her husband, the District Court shall designate the house in which she shall reside pending the termination of the suit.

SECTION 168.—If the wife have not sufficient means to provide for her maintenance during the suit, the District Court shall order the husband to pay her a sum for her separate maintenance in proportion to his means.

SECTION 169.—From the day proceedings in a suit for divorce are begun, no debt contracted by the husband on account of the community property shall be valid, unless authorized by the Court.

SECTION 170.—No appeal shall lie from the decisions of the District Court under this chapter and they shall be amended by the said Court when the circumstances of the case require it.

CHAPTER IV.

OBJECTION TO THE ACTION FOR DIVORCE.

SECTION 171.—An action for divorce shall be lost upon the reconciliation of the parties, whether said reconciliation occurs after the act which might have been the cause for the divorce, or after the action has been brought.

SECTION 172.—In case of reconciliation the plaintiff cannot continue exercising the rights which he may have, but is at liberty to file a new suit for causes that have occurred after the reconciliation, and in such case

may allege the former causes to corroborate the new action.

CHAPTER V.

THE EFFECTS OF DIVORCE.

SECTION 173. A divorce carries with it a complete dissolution of all matrimonial ties, and the division of all property and effects between the parties to the marriage.

SECTION 174. The party against whom the judgment is rendered shall forfeit to the party obtaining the divorce all gifts which the other party may have conferred upon such party during the marriage, or when the same was contracted, and the innocent party shall retain everything which has been acquired from the other.

SECTION 175.—In all cases of divorce the minor children shall be placed under the “*patria potestas*” of the party who has obtained the decree; but the other spouse shall have the right to continue family relations with his or her children.

SECTION 176.—The divorce of the parents will not deprive the children born during the marriage of the rights and privileges which, according to law, belong to them, by reason of the marriage of their parents; but such rights shall not be claimed except in the form and under the circumsance in which such claims would have been made if a divorce had not taken place.

SECTION 177.—If the divorced wife, in whose favor judgment was rendered, has not sufficient means of subsistence, the District Court may allow her, in its discretion, an alimony out of the property of her divorced husband, which alimony shall not exceed one-third of his income.

The alimony shall be revoked if it shall become unnecessary, or if the divorced wife contracts a second marriage.

TITLE VI.

CHAPTER I.

NULLITY OF MARRIAGE

SECTION 178.—When a marriage has not been contracted according to the requirements of this Code, the same is null and void.

SECTION 179.—The right to an action for a declaration of nullity of a marriage, belongs to the parties to the marriage, to the public attorney, and to such other persons as may have an interest in the annulment of the same,

In case of violence or intimidation, the action of nullity can only be exercised by the innocent party.

TITLE VII.

PATERNITY AND FILIATION

CHAPTER I.

CHILDREN IN GENERAL.

SECTION 180.—Children are legitimate, illegitimate, or legitimatized.

Legitimate children are those born in wedlock.

Illegitimate children are those born out of wedlock.

Illegitimate children may be legitimatized either by the marriage of their parents, or in accordance with the provisions of this Code.

CHAPTER II.

LEGITIMATE CHILDREN

SECTION 181.—Legitimate children are those born

180 days after the marriage has been celebrated and before 300 days have passed after the marriage has been dissolved.

Against legitimacy no other proof shall be admitted than the physical impossibility of the husband to use his wife within the first one hundred and twenty days of the three hundred days that have preceded the birth of the child.

SECTION 182.—A child is also legitimate if born within 180 days after the celebration of the marriage, if the husband should not contest its legitimacy.

SECTION 183.—The legitimacy of a child may be disputed if born after 300 days from the dissolution of the marriage ; but the child and its mother shall also have the right to prove the paternity of the husband in such case.

SECTION 184.—Legitimacy can only be disputed by the husband or his legitimate heirs. The latter can only contest the legitimacy of a child in the following cases :

1. If the husband has died before the termination of the period fixed for instituting his action in court.
2. If he shall have died after presenting his action without having desisted from it.
3. If the child was born after the death of the husband.

SECTION 185.—The action to contest the legitimacy of the child shall be instituted within three months after the inscription of its birth in the registry, if the husband be in Porto Rico, or after six months if he should be abroad, reckoning from the time he has knowledge of the birth.

SECTION 186.—Legitimate children have the right :

1. To bear the family name of the father and the mother.
2. To be supported.
3. To the legitimate inheritance,

CHAPTER III.

ILLEGITIMATE CHILDREN.

SECTION 187.—Illegitimate children may be recognized in any way by the father and the mother conjointly, or by either of them.

SECTION 188.—Illegitimate children may prove their paternal and maternal descent.

SECTION 189.—A father is obliged to recognize his illegitimate child in the following cases:

1. Where there be an authentic statement in writing made by him expressly recognizing its paternity.
2. When publicly or privately he has shown that it is his child, or has called it as such in conversation, or looks after its education and maintenance.
3. When the mother was known to have lived in concubinage with the father during the pregnancy or birth of the child, or when the child was born while his parents were engaged to be married, (*relaciones amorosas*).

SECTION 190.—The father of the illegitimate child shall support the mother and the child until the latter has arrived at the age of eighteen years, including the expenses of education, and giving the child a profession or trade, in accordance with his social conditions. If after the age of eighteen years, the child cannot work, because of some physical or mental imperfection, his father shall continue to support him. The support shall consist of a monthly pension in cash paid in advance.

SECTION 191.—An illegitimate child has the right:

1. To bear the surname of the person recongnizing him.

2. To be supported by the same.

3. To the inheritance determined in this Code.

SECTION 192.—In cases of violence, rape or ravishment, the party guilty of either of these crimes shall incur the responsibility of indemnifying the offended person in the following manner:

1. Shall indemnify the offended person, if she be single or a widow.

2. Shall recognize the offspring, if any.

CHAPTER IV.

LEGITIMATIZED CHILDREN.

SECTION 193.—Children born out of wedlock may be legitimized by the subsequent marriage of their parents, if under the law they may contract marriage, or in the manner authorized in this Code.

SECTION 194.—Children legitimized by subsequent marriage, or as authorized in this Code, shall have the same rights and duties as legitimate children.

SECTION 195.—The legitimatization of children who may have died before the celebration of the marriage shall extend to their descendants, and this can only be contested by the children and legitimate descendants of the parents when their rights be prejudiced.

SECTION 196.—The illegitimate child recognized can also be legitimized by a judicial declaration asked for by the father during his life time, or when stated in his will.

In this case the consent of the child shall be necessary, and if the child be under the age of eighteen

years, that of the mother, unless the latter cannot give her consent on account of incapacity, absence or death.

When the father is married, the consent of his wife shall also be necessary.

SECTION 197.—The declaration of legitimacy cannot be obtained if at the time the child was born the parents could not have contracted marriage under the provisions of this Code.

CHAPTER V.

THE PROOF OF FILIATION.

SECTION 198.—The filiation of children shall be proved by the certificate of the birth issued by the civil registry, by the possession of the status of filiation, or by any other legal means.

SECTION 199.—An action to claim filiation may be filed at any time within two years after the child shall become of age, and it shall be transmitted to his heirs, if he should die during his minority, or in a state of lunacy. In these cases heirs shall have five years during which to enter an action.

CHAPTER VI.

ADOPTION.

SECTION 200.—Any person may adopt another as his child.

SECTION 201.—The adopter must be in the full exercise of his civil rights and be over thirty-seven years of age, and, moreover, be at least eighteen years older than the person adopted.

SECTION 202.—Adoption shall in no case injure the rights belonging to forced heirs, which shall remain as though the adoption had not taken place.

SECTION 203.—The person adopted shall enjoy in the family of the adopter the rights and duties and consideration of a legitimate child, with the exception noted in the preceding section.

SECTION 204.—A husband or wife may not adopt without the joint consent of the other. They may adopt jointly, and, excepting in this case, no person shall be adopted by more than one person.

SECTION 205.—The adopted person may use, with his own family name, the family name of adopter, this being expressed in the deed of adoption.

SECTION 206.—The person adopting and the adopted owe each other support. This obligation shall be understood as in no wise injuring the prior right of legitimate children, of illegitimate children and of the ascendants of the adopter to be supported by him.

SECTION 207.—The person adopted shall preserve the rights belonging to him in his own natural family, excepting those relating to *patria potestas*.

SECTION 208.—The adoption shall be made with the consent of the person adopted if he be of age; and if he be a minor, with the consent of his parents or guardians; and, if the person adopted be above sixteen years of age if a male, or above fourteen if a female, with his or her own consent as well; and if he be an incapacitated person, with the consent of his tutor.

SECTION 209.—The adoption shall be accomplished by means of a public instrument, expressing therein the conditions upon which it was arranged, and it shall be recorded in the proper civil registry, after having been approved by the District Court.

SECTION 210.—An adopted minor or incapacitated person may contest such adoption within the year fol-

lowing his majority or the date on which such incapacity ceased.

SECTION 211.—Adoption is prohibited to persons having legitimate or legitimated children and to guardians with respect to their wards until they have rendered the accounts of the guardianship.

TITLE VIII.

THE SUPPORT OF RELATIONS.

SECTION 212.—Support is understood to be all that is indispensable for maintenance, housing, clothing and medical attention, according to the social position of the family.

Support also includes the education and instruction of the person supported when he is a minor.

SECTION 213.—The following are obliged to support each other, within the full meaning of the preceding article:

1. Husband and wife.
2. Legitimate ascendants and descendants.
3. Parents and legitimized children and the descendants of the latter.
4. Parents and illegitimate children, and the legitimate descendants of the latter.
5. The adopter and the person adopted, excepting the provisions of Section 206.

Brothers and sisters also owe to their legitimate brothers and sisters, even when only on the mother's or the father's side, the aid necessary to maintain their existence, when through a physical or mental defect or for any other cause not the fault of the person requiring support, the said person cannot provide for himself. With such support are included the expenses necessary

for the elementary education and teaching of a profession or trade.

SECTION 214.—A claim for support, when proper and when there are two or more persons who are bound to give it, shall be made in the following order:

1. To the husband or wife.
2. To the nearest descendants.
3. To the nearest ascendants.
4. To brothers or sisters.

Among descendants and ascendants the gradation shall follow the order in which they are to inherit the legitime of the person having the right to be supported.

SECTION 215.—When the obligation to support devolves upon two or more persons, the amount that each shall pay shall be proportioned to his respective estate.

Nevertheless, in cases of urgent necessity and under special circumstances, the judge may order one of them to provisionally provide such support and he shall have the right to reclaim from the others their corresponding part of the amount.

When two or more persons claim support at the same time of a person lawfully obliged to give it, and the latter have not sufficient fortune to attend to the needs of all, the order established in the preceding section shall be observed, unless the persons requiring support be the husband or wife and a child subject to *patria potestas*, in which case such husband or wife shall be preferred to the child if they be the mother or father of such child, and if not, the support shall be divided equally between them.

SECTION 216.—The amount paid for the support shall be in proportion to the resources of the person providing the same, and in accordance with the neces-

sities of the party receiving it, and shall be reduced or increased in proportion to the resources of the former and the necessities of the latter.

SECTION 217.—The obligation to support may be claimed from the time the person having a right there-to shall require such support; but it shall not begin until the date on which a petition therefor is made.

Payments for support shall be made monthly, in advance, and when the person receiving the same dies, his heirs shall not be required to return any sum that may have been paid in advance.

SECTION 218.—The person obliged to render support may, if he so elects, either pay the amount required to be paid or receive and maintain in his own dwelling the person having a right to such support.

SECTION 219.—The obligation to give support ceases with the death of the person obliged to give it, even when given in fulfilment of a final judgment.

The right to receive support cannot be relinquished or transmitted to a third party. Neither shall such support be set off against any amount owing by the recipient to the person obliged to give it.

SECTION 220.—The obligation to give support shall also cease:

1. With the death of the recipient.
2. When the fortune of the person obliged to give it shall have been reduced so that he can not do so without disregarding his own needs and those of his family.
3. When the recipient is capable of working at a trade, profession or industry, or has obtained employment or bettered his fortune, so that he does not stand in need of the amount given for support.
4. When the recipient, whether or not a forced

heir, shall have committed any of the offenses which may be a cause for disinheritance.

5. When the recipient is a descendant of the person obliged to give support and the necessity therefor arises from wrong conduct or lack of application to work, during the time such cause exists.

SECTION 221.—The preceding provisions are applicable to other cases in which by this Code, by will or by compact, a right to support may arise, excepting what is stipulated, ordered by the testator or provided by law for the special case under consideration.

TITLE IX.

PATRIA POTESTAS.

CHAPTER I.

SECTION 222.—The *patria potestas* over the legitimate children not emancipated belongs to the father and the mother conjointly.

If there should be any disagreement between the husband and the wife, the decision of the husband shall prevail in all cases relating to family affairs.

Illegitimate children and adopted minors are under the *potestas* of the father or mother acknowledging or adopting them, and have the same obligations mentioned in the preceding paragraph.

CHAPTER II.

THE EFFECTS OF "PATRIA POTESTAS" UPON THE PERSONS OF THE CHILDREN.

SECTION 223.—The father and the mother have, with respect to their children not emancipated:

I.—The duty of supporting them, keeping them in their company, educating and instructing them in ac-

cordance with their means, and representing them in the exercise of all actions which may redound to the benefit of such children.

2.—The power to correct and punish them moderately.

SECTION 224.—The administration of the property of the children under the *patria potestas* belongs to the father and the mother conjointly.

If there should be a disagreement between them respecting the administration of the property of the children, the District Court shall decide. This decision shall also provide for an administrator under bond with all necessary authority and power, when in the discretion of the Court the property of the children would be prejudiced by the disagreement of their parents.

CHAPTER III.

EFFECTS OF "PATRIA POTESTAS" UPON THE PROPERTY OF THE CHILDREN.

SECTION 225.—Property acquired by an unemancipated child by labor or industry, or for any valuable consideration, belongs to the said child, but the usufruct thereof belongs to the parents having *potestas* over him whilst he lives in their company; but if the child, with the consent of his parents, lives independently, he shall be deemed emancipated for all effects as regards the said property, and he shall be the full owner and have the usufruct and administration thereof.

SECTION 226.—The father or mother possess the ownership and usufruct of whatever property the child may acquire with the capital of each of his parents. Nevertheless, if the father or mother expressly allow the child the whole or part of his gains, the same shall not be charged against his inheritance.

SECTION 227.—Property or income donated or left by will for the expenses of education and instruction of a child shall belong to him in property and usufruct; but his father or mother shall have the administration thereof, if in the donation or legacy it be not otherwise provided, and in the latter case the will of the donors shall be strictly followed.

SECTION 228.—The parents, as regards the property of a child in which they possess the usufruct or administration, have the same obligations as any other usufructuary or administrator, as well as the special obligations established in Section Third of Title Fifth of the Mortgage Law.

An inventory shall be made, with the intervention of the Public Attorney, of the property of children of which the parents have only the administration; and, on petition of the said Public Attorney, the District Court may decree that the securities belonging to the child be placed in deposit.

SECTION 229.—The father and the mother cannot alienate any real property belonging to their children the usufruct of which they receive or over which they have the administration, nor can they burden the same except by mutual consent, and after securing the authorization of the District Court of their domicil.

SECTION 230.—Whenever, in any matter, the father or mother have interests opposed to those of their unemancipated children the District Court shall appoint for the latter a person to defend their interests, who shall represent them in or out of court.

The District Court, on petition of the father or mother, the minor himself, the Public Attorney or any other person capable of appearing in a suit, shall appoint, as the person to defend the interests of the said

unemancipated child, the relative who, in a proper case would act as his tutor by effect of the law, and, in his default, to another relative or any other person.

SECTION 231.—Parents acknowledging or adopting children do not acquire the usufruct of the property of such acknowledged or adoptive children, nor shall they have the administration thereof, unless they give bond as security for the results of such administration, to the satisfaction of the District Court of the domicil of the minor, or of the persons who must concur in said adoption.

SECTION 232.—In case of divorce, the usufruct of the property of unemancipated children shall belong, in accordance with the provisions contained in the preceding sections, to the father or mother in whose favor the decree of divorce was given.

CHAPTER IV.

THE MANNER IN WHICH "PATRIA POTESTAS" ENDS. *

SECTION 233.—*Patria potestas* ends:

1. With the death of the parents or of the child.
- 2.—Through emancipation of the child.
- 3.—By adoption of the child by another.

SECTION 234.—The father or the mother loses the *patria potestas* over his or her children, when, in a suit for divorce, a final decree awards the custody of the children to one or the other party.

SECTION 235.—*Patria potestas* shall be suspended through incapacity or absence of the father or mother, in proper cases, under judicial decree, and also by reason of civil interdiction.

SECTION 236.—The courts may deprive parents of the *patria potestas* or suspend the exercise thereof, if

they treat their children with excessive harshness, or give them commands, advice or examples of a corruptive nature, and shall name a tutor, in accordance with law, for the persons of the said children. In such cases they shall also deprive the parents of the usufruct and administration of the property of the children, and adopt such measures as they shall deem expedient in the interests of the latter.

TITLE X.

TUTORSHIP.

CHAPTER I.

GENERAL PROVISIONS.

SECTION 237.—The object of tutorship is the custody of the person and property, or of only the property, of such persons who, not subject to *patria potestas*, are incapable of governing themselves.

SECTION 238.—The following are subject to tutorship:

- 1.—Minors not lawfully emancipated.
- 2.—Insane or demented persons, even though they have lucid intervals, and the deaf and dumb who cannot read nor write.
- 3.—Prodigals or habitual drunkards declared such by final judgment.
- 4.—Persons under sentence of civil interdiction.

SECTION 239.—Tutorship shall be exercised by a single tutor.

SECTION 240.—The office of tutor cannot be renounced unless for a lawful cause duly shown.

SECTION 241.—The District Court or Judge of the place in which persons subject to tutorship reside shall provide for the care of such persons and their personal

property until a tutor shall be appointed, when there are no other persons lawfully under such obligation.

SECTION 242.—Tutorship is conferred:

1.—By will.

2.—By the law.

SECTION 243.—The tutor shall not enter upon his duties without his appointment having been recorded in the registry of tutorships.

CHAPTER II.

TESTAMENTARY TUTORSHIPS.

SECTION 244.—The father or the mother may appoint a tutor in his will for his minor children and those of age who are incapacitated.

SECTION 245.—Any person leaving an inheritance or legacy of importance to minors or incapacitated persons may appoint a tutor for the administration of such property. Such appointment shall not hold, however, until the inheritance or legacy shall have been accepted by the father, the mother, or the tutor of the minor, with the approval of the proper District Court.

SECTION 246.—The surviving father or mother may appoint a tutor for each one of their children, and they may appoint various persons in order that they may substitute each other. In case of doubt, a single tutor shall be deemed to have been appointed, and the first of those named in the appointment shall be entrusted with the tutorship.

SECTION 247.—When different persons shall have been appointed tutors for the property of the same person, if no confusion is caused thereby, each of them shall fulfill his duties independently of the others.

CHAPTER III.

TUTORSHIP BY EFFECT OF THE LAW.

ARTICLE FIRST.—THE TUTORSHIP OF MINORS.

SECTION 248.—In default of a testamentary tutor appointed by the father or mother, only the following persons shall exercise tutorship by effect of the law over unemancipated minors:

1.—The paternal grandfather.

2.—The maternal grandfather.

3.—The paternal and maternal grandmothers, in the same order, whilst they remain in widowhood.

4. The eldest brother or sister of full blood, and in default of such brother, the eldest brother or sister on the paternal or maternal side.

The tutorship referred to in this section does not apply to illegitimate children.

SECTION 249.—Heads of foundling asylums are the tutors of those kept and educated therein. The representation in court of such officials, in their capacity as tutors, shall be assumed by the Public Attorney (Ministerio Fiscal).

ARTICLE SECOND.—TUTORSHIP OF INSANE PERSONS AND OF THE DEAF AND DUMB.

SECTION 250.—A tutor shall not be appointed for insane, demented and deaf and dumb persons, when of age, without a previous decree of the District Court of their domicil that they are incapable of administering their property.

SECTION 251.—The said decree may be petitioned for by the husband or wife and relatives of the person presumed to be incapable and who have the right to succeed him in case he dies intestate.

SECTION 252.—The Public Attorney shall demand such decree:

1.—When the person is araving maniac.

2.—When none of other perscns mentioned in the preceding section are living or when they to do not make use of the right therein granted them.

3.—When the husband or wife and the heirs of the person presumed to be incapable are minors or lack the status required to enable them to appear in a suit.

The proper District Court shall, in all such cases appoint a next friend for the persons presumed to be incapable and who does not wish or is unable to defend himself. In other cases the Public Attorney (Ministerio Fiscal) shall act as next friend.

SECTION 253.—The District Court shall, before decreeing the incapacity of any person, hear the opinion of experts and such other proofs as it may deem necessary.

SECTION 254.—The declaration of incapacity shall be made summarily and through an oral hearing before the District Court. That which refers to deaf and dumb persons, shall establish the extent and limits of the tutorship in accordance with the degree of incapacity of the said persons.

SECTION 255.—Against the decree terminating the proceedings for incapacity, the interested parties may interpose a suit in the ordinary manner, by means of an oral and public trial.

SECTION 256.—The tutorship of insane and of deaf and dumb persons belongs:

1. To the husband or wife.

2. To the father and, in a proper case, to the mother.

3. To the children.

4. To the grandparents.

5. To the brothers, preference being given to the relative of full blood, as stated in Section 248.

If there are several children or brothers the eldest shall be preferred.

When there are both paternal and maternal grandparents, the ascendants of the father shall be preferred.

ARTICLE THIRD.—THE TUTORSHIP OF PRODIGALS, AND HABITUAL DRUNKARDS.

SECTION 257.—A decree of prodigality or habitual drunkenness shall be made by means of an ordinary suit prosecuted in an oral and public trial.

The judgment shall prescribe the acts which shall be prohibited to the incapacitated person and the powers which the tutor shall exercise in his name. The court shall adopt such provisional measures as may be necessary for the protection of the property until the judgment is rendered.

SECTION 258.—Only the husband or wife and the forced heirs of the prodigal or drunkard and exceptionally the Public Attorney either by himself or on petition of some relative of the said husband or wife or forced heirs, when they are minors or incapacitated, may demand the decree referred to in the preceding section.

SECTION 259.—The acts of a prodigal or drunkard previous to the petition for interdiction, shall not be contested on account of prodigality. Those executed after the date of the filing of the petition of incapacity of the prodigal or drunkard shall be voidable if they cause grave injury to the interests to be placed under the tutorship provided for him.

SECTION 260.—The tutelage of prodigals and habit-

ual drunkards belongs to the person designated in Section 256.

ARTICLE FOURTH.—THE TUTORSHIP OF THOSE UNDER
INTERDICTION.

SECTION 261.--When a judgment imposing the penalty of interdiction is final, the Public Attorney shall demand that the provisions of Section 241 be complied with. If he does not do so, he shall be responsible for the damages and injuries caused thereby.

The same demand may be made by the husband or wife and the heirs *ab intestato* of the person interdicted.

SECTION 262.--Such tutorship shall be limited to the administration of the property and the representation in court of the person suffering interdiction.

The tutor of the interdicted person shall, moreover, care for the person and property of minors or incapacitated person other than the children of the interdicted person but who may be under the authority of such person, until another tutor shall be appointed for them.

The wife of the interdicted person shall exercise the *patria potestas* over their children during such interdiction.

If he be a minor, he shall act under the direction of his father and, in a proper case, of his mother, and in default of both, under that of his tutor.

SECTION 263.--The tutorship of persons suffering interdiction shall be conferred in the order established by Section 256.

CHAPTER IV.

GENERAL PROVISIONS

SECTION 264.--In default of the persons designated for the exercise of tutelage in the preceding chapter,

the court, in each case, shall appoint a person of known probity as tutor.

CHAPTER V.

PERSONS NOT QUALIFIED TO ACT AS TUTORS AND THEIR REMOVAL.

SECTION 265.--The following cannot be tutors:

- 1 Those subject to tutorship.
- 2 Those who have been punished for the crimes of murder, homicide, robbery, theft, fraud, falsification, perjury, seduction, ravishment, abduction, corruption of minors, and public scandal.
3. Those sentenced to any corporal punishment until the sentence expires.
4. Those legally removed from a former tutorship.
5. Persons of bad conduct or who have no visible means of support.
6. Bankrupts and insolvents not rehabilitated.
7. Those who, at the time the tutorship is conferred, have a suit pending with the minor or formerly had such suit, regarding such minor's civil status.
8. Those in litigation or who have litigated with the minor over the ownership of his property, unless the father, or in a proper case the mother, knowing thereof, shall have nevertheless, named them tutors in their wills.
9. Those who owe the minor important sums of money, unless, having a knowledge of such debts, the father, and in a proper case the mother, shall have named them tutors in their wills.
10. A testamentary tutor who neglects or abandons the fulfilment of the requirements indispensable for beginning in the exercise of the tutorship.

11. Foreigners not residing in Porto Rico.

12. Those who have made a criminal accusation against the minor or his ascendants or collaterals within the fourth degree.

SECTION 266.—The following shall be removed from tutorship:

1. Those who, after such tutorship is conferred, come within any of the cases of incapacity mentioned in numbers 1, 2, 3, 4, 5, 6, 7, 8, 11 and 12 of the preceding section.

2. Those assuming to themselves the administration of the tutorship without giving bond and omitting to inscribe the mortgage bond.

3. Those who do not make the inventory in the time and manner established by law, or do not make it faithfully.

4. Those who do not behave properly in the discharge of their duties as tutors.

SECTION 267.—The District Court shall not declare tutors incapable nor resolve upon their removal, without summoning them and hearing them if they appear.

SECTION 268.—When the District Court has declared the incapacity or resolved upon the removal of a tutor the decree shall be deemed to be final, and steps shall be taken for filling the vacant tutorship, in accordance with law.

SECTION 269.—When, by reason of incapacity, the tutor has not entered upon his functions, the District Court shall provide for the care of the tutorship during the time a final decision is being reached regarding the impediment.

CHAPTER VI.

THE SECURITY TO BE GIVEN FOR TUTORSHIP.

SECTION 270.—The tutor shall, before assuming his duties, give bond for the good results of his management.

SECTION 271.—The security shall be either a mortgage, a pledge, or a personal bond, with two sureties.

The bond shall not, in any way, affect the power of the court to take such measures as it may deem necessary for the protection of the property of the minor or incapacitated person.

SECTION 272.—The amount of the bond shall be twice the appraised valuation of the property, real and personal; and such bond shall be approved by the court.

SECTION 273.—The tutor shall not enter upon the discharge of his duties until having given the bond required by the District Court.

SECTION 274.—The mortgage given as security shall be recorded in the Registry of Property. The security by pledge shall be made by depositing the goods or negotiable securities in the public institutions destined for this purpose.

SECTION 275.—The bond may be increased or diminished during the period of tutorship according to the fluctuations in the value of the property of the minor or incapacitated person and in the securities upon which the said bond is made.

The bond can not be totally cancelled until the tutor, having had the accounts of his tutorship approved, shall have discharged all the responsibilities of his management.

SECTION 276.—The following shall be exempted from giving bond for the tutorship:

1. The testamentary tutor relieved by the father or mother, in proper cases, from this obligation. This exception shall cease when causes arise subsequent to the appointment of the tutor and which were not known to the testator, which make such bond indispensable in the judgment of the District Court.

2. The tutor appointed and excused from giving bond by strangers who may have made the minor or incapacitated person their heir or left him a legacy of importance. In this case, such exemption shall be limited to the property or income in which the inheritance or legacy consists.

CHAPTER VII.

THE EXERCISE OF TUTORSHIP.

SECTION 277.—The tutor represents the minor or incapacitated person in all civil acts, except those which by law, said minor or incapacitated person is capable of executing himself.

SECTION 278.—Minors and incapacitated persons under tutorship owe respect and obedience to the tutors appointed for their persons.

SECTION 279.—The tutor shall :

1. Maintain and educate the minor or incapacitated person, in accordance with his condition and strictly in conformity with the provisions made by his parents or, in default of such parents, with those adopted by the District Court.

2. Endeavor, by all the means which the fortune of the insane, demented or deaf and dumb person admits, that they acquire or recover their capacity.

3. Make an inventory of all the real and personal property over which the tutorship extends, within the time fixed for this purpose by the proper District Court.

After the inventory shall have been presented, the District Court shall, after approving the same, order an appraisement of all the property by three disinterested and competent persons, which it shall name for this purpose.

After the appraisement shall have been made and approved by the court, it shall order that the property inventoried and appraised be recorded in the proper place in the registry of tutorships.

The appraisers shall fulfil their duties under oath made in accordance with law, and shall receive the remuneration which the District Court shall prescribe.

SECTION 280.—The tutor who fails to include in the inventory the credits he holds against the minor, shall be deemed to have renounced the same.

SECTION 281.—When the will of the person appointing the tutor does not provide for an allowance for the support of the minor or incapacitated person, the proper District Court shall, in view of the inventory, decide the amount of the property to be used for this purpose.

This decision may be modified in accordance with the increase or decrease in the patrimony of the minors or incapacitated persons or as their condition changes.

SECTION 282.—The tutor shall require the authorization of the proper District Court:

1. To punish the minor in accordance with the provisions of number 2 of Section 223.
2. To give the minor a specified profession or trade when this matter has not been decided by his parents, and to modify the provisions made by them in this respect.
3. To have the incapacitated person confined in a

sanitarium, except when the tutorship is exercised by the father, the mother or one of the children.

4. To continue the business or industry carried on by the incapacitated person or his ascendants, or those of the minor.

5. To alienate or encumber the property which constitutes the capital of the minors or incapacitated persons or make contracts or execute acts requiring recording.

6. To invest any balance of money remaining each year after the obligations of the tutorship have been met.

7. To proceed to the division of the inheritance or any other thing possessed by the minor or other incapacitated person in common with others.

8. To withdraw from investment any capital producing interest.

9. To loan and borrow money.

10. To accept, without the benefit of an inventory, any inheritance, or to repudiate such inheritance or any donation.

11. To incur extraordinary expenses in connection with tenements the administration of which is comprised in the tutorship.

12. To settle and compromise by arbitration the questions in which the minor or incapacitated person may be interested.

13. To bring suit in the names of those under tutorship and maintain all lawful appeals when they lie from judgments rendered against them.

Complaints and remedies in verbal hearings are excepted.

SECTION 283.—The tutor shall be liable for the legal interest on the capital of the minor when, by reason of

his omission or negligence, the same remains unproductive or without investment.

SECTION 284.—The authority to settle or compromise by arbitration shall be requested in writing of the proper District Court. In such petition the tutor shall express all the conditions and advantages of the transaction.

SECTION 285.—Tutors are prohibited from:

1. Donating or renouncing things or rights belonging to the minor or incapacitated person.

The donations made by the minor by reason of a marriage and with the approval of the persons having to give their consent to such marriage, shall be valid so long as they do not exceed the limits fixed by law.

2. Remunerating themselves, unless with the approval of the District Court, for any amounts due them.

3.—Purchasing themselves, or through another person, property belonging to the minor or incapacitated person, unless expressly authorized by the District Court.

SECTION 286.—The tutor has the right to receive a remuneration from the property of the minor or incapacitated person.

When such remuneration shall not have been fixed by those naming the testamentary tutor, or for the tutor by effect of the law or the dative tutor, the District Court shall fix the same, taking into consideration the amount of the state and the labor which the administration thereof will require.

In no case shall the remuneration be less than four nor more than ten per cent of the net income or proceeds of the property.

SECTION 287.—Tutorship ends:

1. By the minor attaining the age of twenty-one years, by his being adopted, and by emancipation, with the limitations established by law.

2. With reference to incapacitated persons, those subject to interdiction or prodigals, by the causes thereof being removed.

CHAPTER VIII

THE ACCOUNTS OF THE TUTORSHIP.

SECTION 288.—Any relative of the minor or incapacitated person, as also any stranger, who shall not have been instituted tutors with an allowance from the proceeds for maintenance provided in the will of the father or mother, shall render annual accounts of their management to the proper District Court.

Such accounts, when approved by the proper District Court, shall be deposited with the clerk of the same court in which the tutorship has been recorded.

SECTION 289.—A tutor who shall be replaced by another as also the heirs of the former, shall be required to render a general account of the tutorship to the person replacing him, which account shall be examined and audited in the manner provided in the preceding section. The new tutor shall be responsible to the minor for all damages and injuries, if he does not demand and examine the accounts of his predecessor.

SECTION 290.—After the termination of the tutorship, the tutor or his heirs shall give an account of his administration to the person who was subjected thereto or to his representatives or those holding rights under him.

SECTION 291.—The general accounts of the tutorship shall be audited and approved by the District

Court within a period not exceeding six months after the same are presented.

SECTION 292.—The accounts shall be accompanied by their vouchers. The only expenses which need not be vouched for are those petty expenses for which a careful father of a family does not generally ask a receipt.

SECTION 293.—The expense of rendering the accounts shall be borne by the minor or incapacitated person.

SECTION 294.—Until fifteen days have passed after the rendering of the accounts with their vouchers, the persons holding rights under the minor, or the minor himself if he be of age, shall not make any agreement with the tutor relating to the management of the tutorship.

SECTION 295.—The balance which the general accounts may show in favor of or against the tutor shall bear interest at the legal rate.

In the first case, from the time the minor is requested to pay such balance, after the delivery of his property.

In the second case, from the time the accounts have been rendered, if presented within the legal term, and if not, from the time such term expires.

SECTION 296.—The actions mutually belonging to the tutor and the minor to bring suit on account of the exercise of the tutorship shall extinguish five years after said tutorship ends.

CHAPTER IX.

THE RECORDING OF TUTORSHIPS.

SECTION 297.—There shall be in the District Courts of Porto Rico one or more books in which entries shall

be made of tutorships constituted during each year within their respective jurisdictions.

SECTION 298.—These books shall be under the care of the clerk of the District Court, who shall make the entries free of cost.

SECTION 299.—The entry made for each tutorship shall contain:

1. The name, surname, age and domicil of the minor or incapacitated person, and the extent and limit of the tutorship, when the incapacity has been judicially declared.

2. The name, surname, profession and domicil of the tutor and whether he is a testamentary tutor, a tutor by effect of the law, or a dative tutor.

3. The date on which the tutorship shall have been conferred and the required security given by the tutor, stating, in a proper case, the class of property upon which such security is based.

- 4.—The allowance for maintenance assigned to the minor or incapacitated person, or a statement that the proceeds of the property have been assigned as compensation therefor.

SECTION 300.—At the foot of each inscription, at the beginning of each judicial year, it shall be stated if the tutor has rendered the accounts of his management in the cases in which he is obliged to do so.

SECTION 301.—The District Courts shall annually examine these registries and shall take such measures as may be necessary to defend the interests of the persons under tutorship.

TITLE XI.

EMANCIPATION AND MAJORITY.

CHAPTER I.

GENERAL PROVISIONS.

SECTION 302.—The law recognizes four kinds of emancipation:

1. Emancipation conferring the power to administer property.
2. Emancipation by marriage.
3. Judicial emancipation.
4. Emancipation by reason of having attained the age of majority.

CHAPTER II.

EMANCIPATION CONFERRING THE POWER TO ADMINISTER PROPERTY.

SECTION 303.—A minor, although not married, may, for the sole purpose of administering his property, be emancipated by his father, or in default thereof, by his mother, when the said minor shall have completed the age of eighteen years.

This emancipation takes place by a declaration of the father or mother, before a Notary public and in the presence of two witnesses, and with the consent of the minor.

It shall be recorded in the civil registry and, until then, shall not produce any effect against third persons.

SECTION 304.—A minor who shall have completed the said age of eighteen years may also be emancipated by a decision of the District Court for the purpose of administering his property, in the manner prescribed in Chapter IV. of this Title.

Emancipation may be petitioned for either by a relative of the minor or by the minor himself.

SECTION 305.—The minor may be emancipated against the will of his father or mother when they ill-treat him or refuse to maintain and educate him, or when they give him corrupt examples.

SECTION 306.—The accounts of the tutorship shall be rendered to the emancipated minor, assisted by a curator *ad hoc* to be appointed for this purpose by the District Court.

SECTION 307.—Emancipation capacitates the minor to govern his person and property as if he were of age; but until he attains his majority the said emancipated person can not make any promise or contract any obligation exceeding in value the amount of his income for one year. Neither can he encumber or sell his real property, without the consent of his father, in default thereof, that of his mother, and in every case, that of his tutor.

Neither may he appear in a suit without the appearance of the said persons.

SECTION 308.—Emancipation once granted shall not be revoked.

CHAPTER III.

EMANCIPATION BY MARRIAGE.

SECTION 309.—A minor, whether male or female, becomes emancipated of right by marriage.

Nevertheless, in order to alienate and mortgage any real property or to contract loans a minor emancipated by marriage shall require the consent of his father, in default of his father, that of his mother and in every case, that of his tutor, with the intervention of the District Court and for reasons of utility or necessity.

SECTION 310.—A minor emancipated by reason of marriage may appear before the District Courts to represent his interests in the cases prescribed by law.

SECTION 311.—A minor emancipated by reason of marriage may demand of his tutor the rendition of the accounts of the tutorship.

CHAPTER IV.

JUDICIAL EMANCIPATION.

SECTION 312.—A minor who has lost both parents may obtain the benefit of majority by concession of the District Court of his domicil, after a hearing of the Public Attorney.

SECTION 313.—The tutor may oppose the emancipation, in which case the District Court shall hear the parties at an oral hearing in which the reasons for and against such emancipation may be alleged and proved.

SECTION 314.—For granting the concession stated in the preceding sections, it shall be required:

1. That the minor be over eighteen years of age and have the necessary ability to manage and administer his property.
2. That the minor consent to the emancipation.
3. That such emancipation be deemed advantageous to the minor.

SECTION 315.—The emancipation shall be recorded in the registry of tutorships and in the civil registry.

SECTION 316.—When the District Court decrees the emancipation of the minor, it shall order that he be considered as of age for all legal effects, without exception.

CHAPTER V.

MAJORITY.

SECTION 317.—Majority begins at the age of twenty-one years.

A person having attained the age of majority is capable of executing all the acts of civil life, with the exceptions established in special cases by this Code.

TITLE XII.

REGISTRY OF CIVIL STATUS.

SECTION 318.—Acts relating to the civil status of persons shall be recorded in the registry devoted to that purpose.

SECTION 319.—The registry of civil status shall include the records or entries of births, marriages, emancipations, acknowledgments and legitimations, and deaths, and shall be in charge of the municipal judges in Porto Rico.

SECTION 320.—The records in the registry shall be evidence of the civil status, and any other evidence can be admitted only when such records have never existed or the books of the registry should have disappeared or when a litigation is instituted before the courts.

SECTION 321.—It shall not be necessary that a newly born child be presented to the official in charge of the registry for the record of birth, the statement of the person obliged to make it being sufficient. This statement shall include all the conditions required by law and shall be signed by its author or by two witnesses, at his request, should he not be able to do so.

SECTION 322.—Municipal judges and the District Courts, in a proper case, may punish the violations of

the provisions relating to the civil registry, when they do not constitute a crime or offense, with a fine of five to twenty-five dollars.

SECTION 323.—The special law regarding registries shall continue **in** force in so far as not modified by the preceding sections.

BOOK SECOND.

PROPERTY, OWNERSHIP AND ITS MODIFICATIONS.

TITLE I.

CLASSIFICATION OF PROPERTY.

CHAPTER I.

GENERAL PRINCIPLES.

SECTION 324.—The word “Property” is applicable in general to anything of which riches or fortune may consist. This word is likewise relative to the word “Things”, which is the second object of jurisprudence, the rules of which refer to persons, things and actions.

SECTION 325.—Things or property are either common or public.

Property is, besides susceptible of being owned either by corporations or by individuals.

SECTION 326.—Common things are those the ownership of which belongs to no one in particular and which all men may freely use, in conformity with their innate nature; such as air, rain-water, the sea and its shores.

SECTION 327.—The following are things of public domain:

1. Those intended for public use, as roads, canals, rivers, streams, and others of a like nature.

SECTION 328.—The property of public use in Porto Rico and the towns thereof comprises the insular and local roads, the squares, streets, fountains and public

waters, walks, and public works for general use paid for by the said towns or from the Treasury of Porto Rico.

All other property, possessed by either the People of Porto Rico or the municipalities thereof, is common property for the use of the general and municipal governments (*bienes patrimoniales*) and shall be governed by the provisions of this Code.

SECTION 329.—Besides the common property for the use of the governments of the United States, of the People of Porto Rico and the municipalities thereof (*bienes patrimoniales*), the property belonging to private parties, either individually or collectively, is of private ownership.

SECTION 330.—Things are furthermore divided into corporeal and incorporeal.

Corporeal things are such are manifest to the senses, which may be touched or tasted, whether animate or inanimate. Of the kind are fruits, corn, gold, silver, clothes, furniture, lands, meadows, woods, houses and others.

Incorporeal things are such as are not manifest to the senses, and which are conceived only by the understanding, such as the rights of inheritance, servitudes and obligations.

SECTION 331.—Incorporeal things, consisting only in a right, are not of themselves strictly susceptible of the quality of movables or immovables; nevertheless, they shall be considered as belonging in one or the other of these classes, according to the subject to which they apply and the rules hereinafter established.

SECTION 332.—The third and last division of things is into movables and immovables.

CHAPTER II.

IMMOVABLES.

SECTION 333.—Immovables are, in general, those which cannot move themselves or be removed from one place to another.

This definition, strictly speaking, is applicable only to such things as are immovable by their own nature, and not to such as are so only by the disposition of the law.

SECTION 334.—Things may be immovable either by their own nature or by their destination or the object to which they are applicable.

SECTION 335.—The following are immovables:

1. Lands, buildings, roads and structures of every kind adherent to the soil.

2. Trees, plants and ungathered fruits, while they are not separated from the land or form an integral part of an immovable.

3. Everything attached to an immovable in a fixed manner, in such a way that it cannot be separated from it without breaking the matter or causing injury to the object.

4. Statues, reliefs, paintings or other objects of use or ornament, placed in buildings or on lands or tenements by the owner thereof in such a manner that they become attached permanently to the property.

5. Machinery, vessels, instruments or implements intended by the owner of the tenements for the industry or works that they may carry on in any building or upon any land and which tend directly to meet the needs of the said industry or works.

6. Animal houses, pigeon-houses, bee-hives, fish-ponds or breeding places of a similar nature, when the

owner has placed or preserves them with the intention of keeping them attached to the tenement and forming a permanent part thereof.

7. Manures or fertilizers intended for the cultivation of the land, when upon the place where they are to be employed.

8. Mines, quarries and slag lands, while the matter thereof forms part of the beds, and waters, either running or stagnant.

9. Docks and structures which, though floating, are intended by their nature and the object for which they are designed, to remain at a fixed place in any river or lake, or on any shore.

10. Administrative concessions for public works, and servitudes and other real rights, attached to immovables.

SECTION 335.—The following incorporeal things are considered as immovable from the object to which they apply :

1. The usufruct and use of immovable things.
2. Any right or obligation established on any immovable.
3. Every action to recover an immovable or the whole of an inheritance.

CHAPTER III.

MOVABLES.

SECTION 337.—Movables are considered such things as are susceptible of appropriation and not included in the preceding chapter, and, in general, all of those which can be carried from place to place without impairing the immovable to which they may be attached.

SECTION 338.—Things are movable either by their nature or by the disposition of the law.

SECTION 339.—Things movables by their nature are such as may be carried from one place to another, whether they move by themselves, if animate, or by means of an extraneous power, if inanimate.

SECTION 340.—Things movable by disposition of the law are such as obligations and actions the object of which is to recover money due or movables by their nature, although such obligations are accompanied with a mortgage; obligations which have for their object a specific performance, and those which from their nature carry with them an indemnization for damages; shares or interests in banks or companies of commerce, industries, or any other speculation, although such companies be possessed of immovables depending upon such enterprises. Such shares or interests are considered as movables with respect to every member of an association during the time of its existence; but if the association be dissolved, the right which any of its members may have to claim the division of the immovables or a participation therein, shall produce an immovable action.

SECTION 341.—The following are also considered movables: Rents or annuities, either for life or hereditary, in favor of a person or family, provided they do not incumber an immovable with a real charge; contracts for public services, and receipts and certificates representing mortgage loans.

SECTION 342.—Movables are either consumable or nonconsumable.

To the first class belong those which cannot be used in a manner appropriate to their nature, without their being consumed; all others belong to the second class.

SECTION 343.—All things corporeal or incorporeal,

which are not immovables by nature or by disposition of the law, shall be considered as movables.

SECTION 344.—Material obtained from the demolition of a building, and those collected for the purpose of erecting a new building, are movables until they have been made use of in erecting a new building.

But if materials be separated from a house or other edifice, for the sole purpose of making repairs and additions in the said house or edifice, and with the intention of replacing them, they preserve the nature of immovables and are considered as such.

PROVISIONS COMMON TO THE THREE PRECEDING CHAPTERS.

SECTION 345.—Whenever, by the disposition of the law or by an individual declaration, the expression things immovable or immovables or things movable or movables, be used, it shall be understood as comprising respectively, those enumerated in Chapters II and III of this title.

SECTION 346.—Whenever the word “furniture” (*muebles*) alone is used, the following objects shall not be considered as comprised therein: Money, credits, commercial effects, stocks, jewels, scientific or artistic collections, books, medals, arms, clothing, riding beasts or carriages and their harnesses, breadstuffs, liquids and merchandise, nor other things which have not for principal object the furnishing or ornamenting of living rooms, except where, by the context of the law or of the individual declaration, the contrary clearly appears.

SECTION 347.—Whenever in a sale, legacy, donation or other disposition in which reference is made to movable or immovable things their possession or ownership is transferred with everything they may contain, the transaction shall not be understood to compromise money, stocks or bonds, credits, and actions the docu-

ments of which are contained in the thing transferred, unless the intention is clearly shown to include in the transfer such values and rights.

CHAPTER IV.

PROPERTY CONSIDERED IN RELATION TO THE PERSONS TO WHOM IT BELONGS.

SECTION 348.—Things, in their relation to those who possess or enjoy them, are divided into two classes: Things susceptible of ownership and those not susceptible of ownership.

SECTION 349.—Among the things which are not susceptible of ownership are comprised those which cannot become private property by reason of the object for which they are intended, such as things in common, or those the use and enjoyment of which belong to all men.

There are other things, on the contrary, which although by their nature they are susceptible of private ownership, lose this quality as a consequence of their being applied for public purposes inconsistent with private ownership, but which may acquire their former condition so soon as they cease to be applied to that purpose; such are the lands used for highroads, streets and public squares.

SECTION 350.—Things susceptible of being owned are those which may be the object of private ownership and which may be alienated by sale, exchange, donation, prescription, or in any other manner.

SECTION 351.—Individuals have the free disposal of the property which they have lawfully acquired without other restriction than those established by law.

Property belonging to city, village and other corporations shall be administered in accordance with the

laws and regulations peculiar thereto and can only be alienated in the manner and with the restrictions prescribed in their several acts of incorporation.

SECTION 352.—The succession of persons dying *ab intestato* without heirs, and that of those who, leaving such heirs without their presenting themselves to claim the property of the inheritance in accordance with law, belongs to the Treasury of Porto Rico.

SECTION 353.—The right of ownership, with regard to things may be of different kinds:

1. A full and entire ownership, or the right to use, enjoy and alienate things.
2. The right to use or to enjoy them, or both at the same time.
- 3.—The right to certain servitudes constituted upon immovables.

TITLE II.

OWNERSHIP.

CHAPTER I

OWNERSHIP IN GENERAL.

SECTION 354.—Ownership is the right by which a thing belongs to some one in particular, to the exclusion of all other persons.

Ownership confers the right to enjoy and dispose of things without further limitations than those established by law.

The owner holds a right of action against the holder and the possessor of the thing in order to recover it.

SECTION 355.—No person shall be deprived of his ownership, except it be by a competent authority and for a justified purpose of public utility, and after having been properly indemnified.

If this requirement has not first been complied with, the District Courts shall protect and, in proper cases, replace the owner in possession of the expropriated property.

The indemnification shall comprise not only the value of the thing whereof the owner is deprived, but also a compensation for any damages and injuries which may be caused him by the deprivation of the property.

SECTION 356.--The ownership of a thing is vested in him who has the immediate dominion thereof, and not in any other person, notwithstanding the fact that he uses or enjoys in some manner the thing belonging to another.

SECTION 357.—The owner of a parcel of ground is the owner of its surface and of everything under it, and he can construct thereon any works or make any plantations and excavations which he may deem proper, without detriment to the usufructs legally established thereon.

SECTION 358.—Hidden treasures belong to the owner of the land on which they are found.

Nevertheless, when the discovery is made by chance on property belonging to another, or to the People of Porto Rico or of the United States, one-half thereof shall be allowed to the finder.

SECTION 359.—By treasure is understood, for legal effects, any hidden or unknown deposit of money, jewelry, or other precious objects, the lawful ownership of which is not proven.

CHAPTER II.

THE RIGHT OF ACCESSION.

GENERAL PROVISION.

SECTION 360.—The ownership of property, whether movable or immovable, carries with it the right, by accession, to everything which is produced thereby, or which is united thereto or incorporated therewith, either naturally or artificially.

ARTICLE FIRST.—THE RIGHT OF ACCESSION WITH RESPECT TO
WHAT IS PRODUCED BY PROPERTY.

SECTION 361.—To the owner belong:

1. The natural fruits.
2. The cultivated fruits.
3. The civil fruits.

SECTION 362.—Natural fruits are the spontaneous productions of the soil, and the broods and other products of animals.

Cultivated fruits are those produced by lands of any kind, through cultivation or labor.

Civil fruits are the rents of buildings, the price paid for the lease of lands, and the amount of perpetual, life or other similar incomes.

SECTION 363.—The receiver of fruits is obliged to pay the expenses incurred by a third person in their production, gathering and preservation.

SECTION 364.—Only such as are manifest or born are considered as natural or cultivated fruits. With respect to animals, it is sufficient if they are in the mother's womb, although unborn.

SECTION 365.—The fruits of a thing do not belong to the simple possessor and shall be returned together

with the thing to the owner thereof who claims the same, unless the possessor held it *bona fide*.

SECTION 366.—He is *bona fide* possessor who possesses as owner by virtue of a title sufficient in its terms and conditions to transfer the ownership, and the defects of which he is ignorant of. *Bona fide* possession ceases from the moment the possessor becomes acquainted with the defects of the title, or through a suit instituted by the owner of the thing to recover the same.

ARTICLE SECOND.—THE RIGHT OF ACCESSION WITH
RESPECT TO IMMOVABLES.

SECTION 367.—Whatever is built, planted or sown on another's land, and the improvements or repairs made thereon, belong to the owner thereof, subject to what is prescribed in the following sections.

SECTION 368.—All works, sown lands and plantings are presumed to have been made by the owner, and at his expense, unless the contrary be proven,

SECTION 369.—The owner of the land who shall make thereon, by himself or through another person, plantings, constructions or works, with material belonging to another person, is bound to pay their value; and if he has acted in bad faith, he shall also be obliged to pay an indemnity for damages and injuries caused thereby. The owner of the materials shall have the right to remove them only in case he can do so without injury to the work constructed. or when by so doing the plantings, constructions or works are not destroyed.

SECTION 370.—The owner of the land which has been built upon, sown, or planted in good faith, has the right to appropriate as his own the work, sowing or planting, by previously paying the indemnity specified in Section 455 and 456 of Chapter III, Title V, and

to oblige the person who has built or planted to pay him the value of the land, and the person who sowed, to pay the corresponding rent.

SECTION 371.—He who builds, plants, or sows in bad faith on another's land, loses what he has built, planted or sown, without having any right to indemnity.

SECTION 372.—The owner of the land on which any one has built, planted or sown in bad faith, may exact the demolition of the work or the removal of the planting or sowing and the replacing of everything in its former condition, at the expense of the person who built, planted or sowed.

SECTION 373.—When there has existed bad faith, not only on the part of the person who built, sowed or planted on another's land, but also on the part of the owner of such land, the rights of both shall be the same as though both had acted in good faith.

Bad faith on the part of the owner is understood to exist whenever the act has been executed in his presence and with his knowledge and forbearance, and without opposition on his part.

SECTION 374.—If the materials, plants, or seed belong to a third person who has not acted in bad faith, the owner of the land shall be liable, subsidiarily, for their value, and only in the event that the person who made use of them has no property with which to pay.

This provision shall not be applied if the owner make use of the right granted him by Section 372 of this article.

SECTION 375.—The augmentation which the banks of a river gradually receive from the effects of the current of waters belongs to the owners of the tenements adjacent to such banks.

SECTION 376.—The owners of tenements adjacent to

ponds or lakes do not acquire the land left dry by the natural decrease of the waters, nor lose that inundated thereby in unusual floods.

SECTION 377.—When the current of a river, rivulet or torrent cuts off from a tenement on its bank a known portion of land and transfers it to another tenement, the owner of the tenement to which the portion cut off belongs retains the ownership of such portion.

SECTION 378.—Trees uprooted and carried away by the current of waters belong to the owner of the land upon which they are carried, if the former owners do not claim them within a month. If such owners claim them, they shall pay the expenses caused by the collecting and securing of the same in a safe place.

SECTION 379.—If a river or stream, whether navigable or not, opens itself a new bed by leaving its former channel, the owners of the soil newly occupied shall take, by way of indemnification the former bed of the river, every one in proportion to the quantity of land he has lost. The said owners shall have the right to their former property if the river or stream returns to its former channel.

SECTION 380.—When a new bed is opened through a private tenement by a navigable river, which changes its course through natural causes, the said bed shall become part of the public domain. The owner of the tenement shall recover the same, in the event of the waters leaving it again dry, whether by natural means or through labor lawfully authorized for this purpose.

SECTION 381.—Islands which, through successive accumulations of descending alluviums, are slowly formed in rivers, belong to the owners of the banks or shores nearest to each of them, or to those of both shores, if the island is in the middle of the river and,

they shall then be divided longitudinally in halves. If a single island thus formed be more distant from one bank than from the other, then the owner of the nearest bank shall be the sole owner thereof.

SECTION 382.—When the current of a river divides itself into branches, leaving a tenement or a part thereof isolated, the owner of such tenement retains his ownership. He also retains it, if a piece of land becomes separated by the current.

ARTICLE THIRD.—THE RIGHT OF ACCESSION WITH RESPECT
TO MOVABLES

SECTION 383.—When two movable things, belonging to different owners, are united in such a way that they come to form a unit, without bad faith on the part of either owner, the owner of the principal thing acquires the accessory thing by indemnifying the former owner thereof for its value.

SECTION 384.—The principal thing of two united things shall be considered to be the one to which another has been united for ornament, or for the use or completion thereof.

SECTION 385.—When it is not possible, according to the rule given in the preceding section, to determine which of two united things is the principal one, the thing of the greater value shall be considered as such, and between two things of equal value, that having the greater volume.

In paintings and sculptures, in writings, printed matter, engravings and lithographs, the board, metal, stone, canvas, paper or parchment, shall be considered as accessory things.

SECTION 386.—When things united can be separated

without injury, their respective owners may demand their separation.

Nevertheless, when a thing united for the use, embellishment or completion of another is much more precious than the principal thing, the owner of the first may demand their separation, though the thing to which it is united may suffer some damage.

SECTION 387.—When the owner of the accessory thing has made the union in bad faith, he shall lose the thing united and shall be obliged to indemnify the owner of the principal thing for the damages he may have sustained.

When the person acting in bad faith is the owner of the principal thing, the owner of the accessory thing shall have the right to choose between being paid by the first for the value of the thing, or to have the thing belonging to him separated, though it may be necessary for such purpose to destroy the principal thing, and, in both cases, an indemnity for damages and injury may be recovered.

If either of the owners has made the union in the presence and with the knowledge and forbearance of the other, and without opposition from him, their respective rights shall be determined in the manner provided for cases in which they acted in good faith.

SECTION 388.—Whenever the owner of any material employed without his consent has a right to an indemnity, he may exact that such indemnity consist in the delivery of a thing equal in kind and value and in all respects to the one employed, or else in the value of such thing, according to expert appraisement.

SECTION 389.—When, by the will of their owners, two things of the same or different kinds are mixed, or when the mixture is made by chance, and, in this last

case, are not separable without injury, each owner shall acquire a right proportional to the part belonging to him with respect to the value of the things mixed or confounded.

SECTION 390.—When, by the will of only one of the owners, but in good faith, two things of equal or different kinds are mixed or confounded, the rights of the owners shall be determined by the provisions of the preceding section.

When the person making the mixture or confusion acted in bad faith, he shall lose the thing thus mixed or confounded belonging to him, besides being obliged to indemnify the owner of the thing with which he made the mixture for the damage caused thereby.

SECTION 391.—He who has employed, in good faith, material belonging in whole or in part to another person for making a thing of a new kind, shall become the owner thereof, indemnifying the owner of the material for the value of the same.

When the said material is more precious than the work on which it was used or superior in value, the owner thereof may, at his option, become owner of the new thing by paying the price of the said work or claim an indemnity for the said material.

When, in the making of the new thing, there has existed bad faith, the owner of the material has the right, either to keep the work without paying anything to the person making it; or to claim from him an indemnity for the value of the material and the damages he may have suffered.

CHAPTER III.

THE FIXING OF BOUNDARIES AND PLACING OF LANDMARKS.

SECTION 392.—Every owner has the right to demand

the fixing of the boundaries of his property, giving notice thereof to the owners of adjoining tenements.

The same privilege belongs to those having real rights.

SECTION 393.—The fixing of boundaries shall be in accordance with the titles of each owner, and, in default of sufficient titles, from what may appear from the possession held by the contiguous owners.

SECTION 394.—When the titles do not specify the boundary or area belonging to each owner and the question cannot be determined by possession or by other means of proof, the part of the land remaining in excess after the fixing of the boundaries shall belong to the People of Porto Rico.

CHAPTER IV.

THE RIGHT TO ENCLOSE AGRICULTURAL LANDS.

SECTION 395.—Every owner may enclose or fence his tenements by means of walls, ditches, live or dead hedges, or in any other manner without injury to the servitudes existing thereon.

CHAPTER V.

UNSTABLE BUILDINGS AND TREES ABOUT TO FALL.

SECTION 396.—When a building, wall, column or any other construction is in danger of falling, the owner shall be obliged to demolish it, or to do whatever is necessary to prevent its falling.

Should the owner of the unstable thing fail to do so, it may be ordered demolished at his expense by the authorities.

SECTION 397.—When any large tree threatens to fall in such a way as to cause damage to another person's

tenement or to persons passing over a public or private road, the owner of the tree is obliged to pull it down and remove it; and should he fail to do so, it shall be done at his expense by order of the authorities.

SECTION 398.—In the cases referred to in the two preceding sections, should the tree or building fall, the owner shall be liable for the damages caused, except in cases of *vis major*.

TITLE III.

THE COMMON OWNERSHIP OF PROPERTY.

SECTION 399.—When the ownership of a thing or of a right belongs undividedly to different persons, it is held to be owned in common.

In default of contracts or of special provisions, the common ownership of property shall be governed by the provisions of this title.

SECTION 400.—The share of the participants in the benefits as well as in the charges, shall be proportioned to their respective shares.

The portions belonging to the participants in the common ownership shall be presumed equal until the contrary is proven.

SECTION 401.—Each participant may use the things held in common, provided he uses them in accordance with the purpose for which they are intended and in such a way as not to injure the interests of the common ownership, nor prevent the co-participants from utilizing them according to their rights.

SECTION 402.—Each of the co-participants shall have the right to oblige the others to contribute to the expenses of preserving the thing or right held in common. Only the person renouncing the share belonging

to him in the ownership can exempt himself from this obligation.

SECTION 403.—When the different stories of a house belong to different owners, if the titles of ownership do not specify the conditions under which they must contribute to the necessary expenses thereof, and there exists no stipulation with respect thereto, the following rules shall be observed:

1.—The main and party walls, the roof, and the other things for use in common, shall be preserved at the expense of all the owners in proportion to the value of their stories.

2.—Each owner shall pay the cost of maintaining the floor of his story. The floor of the entry, front door, common yard, and hygienic works common to all, shall be paid for *pro rata* by all the owners.

3.—The stairs from the entry to the first story shall be paid for *pro rata* by all the owners, with the exception of the owner of the ground floor; the stairs from the first to the second story shall be paid for by all, excepting the owners of the ground floor and first story, and in this way successively.

SECTION 404.—None of the several owners shall, without the consent of the others, make any change in the common property, though benefits for all may result therefrom.

SECTION 405.—The resolution of the majority of the participants as to the management and better enjoyment of the thing held in common shall be binding (on all).

A majority shall not be deemed to exist except when the resolution has been taken by the participants representing a majority of the interests which constitute the object of the common ownership.

If no majority results, or if the resolution of the majority is seriously prejudicial to the persons interested in the thing held in common, the District Court, on petition of any of the parties, shall decree what may be proper, including the appointment of an administrator.

When a part of the thing belongs privately to one or to several of the part-owners, and the remainder in common, the preceding provisions shall only apply to the part held in common.

SECTION 406.—Each one of the part-owners shall have the absolute ownership of his part and that of the fruits and profits belonging thereto, and he may therefore, sell, assign or mortgage the same, and even substitute another person in the enjoyment thereof, unless personal rights are involved. But the effect of the alienation or mortgage in relation to the part-owners shall be limited to the share which may be allotted to them in the division upon the termination of the common ownership.

SECTION 407.—No part-owner shall be obliged to remain a part to the common ownership. Each of them may, at any time, demand the division of the thing held in common.

Nevertheless, the stipulation of keeping the thing undivided, for a stated period of time, not exceeding ten years, shall be valid. This term may be extended by a new agreement.

SECTION 408.—Notwithstanding the provisions of the preceding section, the part-owners cannot compel a division of the thing held in common to be made, when by so doing they may render it unserviceable for the use for which it was intended.

SECTION 409.—The division of a thing held in com-

mon may be made by the interested parties or by arbitrators or friendly compromisers appointed at the will of the part-owners.

In case it is made by arbitrators or friendly compromisers, they shall divide it into parts proportional to the rights of each part-owner, avoiding, as far as possible, payments of balances in each.

SECTION 410.—The creditors or assignees of the part-owners may concur in the division of the thing held in common and object to any division which may be made without their concurrence. But they cannot object to a division already made except in cases of fraud, or when made notwithstanding a formal opposition interposed to prevent it, without prejudice, however, to the rights of the creditor or assignee to maintain its validity.

SECTION 411.—When the thing held in common is essentially indivisible, and the part-owners cannot agree that it be adjudged to one of them, he indemnifying the others, then it shall be sold and the proceeds distributed.

SECTION 412.—The division of a thing held in common shall not cause injury to a third person, who shall retain the rights of mortgage, servitude or other real rights belonging to him before the division was made. The personal rights belonging to a third person against the common ownership shall also remain in force, notwithstanding the division.

SECTION 413.—The rules relating to the division of inheritances shall apply to the division amongst part-owners.

TITLE IV.

WATERS.

CHAPTER I.

THE OWNERSHIP OF WATERS.

SECTION 414.—To the public domain belong :

1. Rivers and their natural beds.
2. Continuous or intermittent waters from sources or brooks running in their natural beds, and the beds themselves.
3. Waters rising continuously or intermittently in lands, within the same public domain.
4. Lakes and marshes formed by nature on public lands, and also their beds.
5. Rain water running through ravines or sandy beaches, the beds of which may also belong to the public domain.
6. Subterranean waters existing on public lands.
7. Waters found within the zone of operation of public works, even when they are executed by a grantee.
8. Waters flowing continuously or intermittently from tenements belonging to private parties, to the People of the United States, to the People of Porto Rico, or to the municipalities thereof, from the moment they leave such tenements.
9. The waste waters of fountains, sewers and public institutions.

SECTION 415.—To private dominion belong :

1. Waters, either continuous or intermittent, rising on private tenements, as far as they run through the same.

2. Lakes and marshes, and their beds, when formed by nature on the said tenements.
3. Subterranean waters found on the same.
4. Rain water falling on private tenements, as long as they remain within the boundaries of the same.
5. The beds of flowing waters, continuous or intermittent, formed by rain water, and those of brooks crossing tenements which do not belong to the public domain.

In every drain or aqueduct, the water, the bed, the sloping bank, and the sideways are considered as an integral part of the tenement or building for which the waters are intended. The owners of tenements, through which, or along the boundaries of which the aqueduct passes, cannot allege ownership over the same nor any right to profit by its beds or sideways, unless they base their claims on title deeds, specifying the the right or the ownership claimed by them.

CHAPTER II.

THE USE OF PUBLIC WATERS.

SECTION 416.—The use of public waters is acquired:

1. By administrative concession.
2. By prescription after twenty years.

The limits of the rights and obligations of these uses shall be those shown, in the first case, by the terms of the concession ; and in the second case, by the manner in which the waters have been used.

SECTION 417.—Every concession of the use of waters is understood to be without injury to third persons.

SECTION 418.—The right to make use of public waters is extinguished by the lapse of the concession and by nonusage during twenty years.

CHAPTER III.

THE USE OF WATERS OF PRIVATE OWNERSHIP,

SECTION 419.—The owner of a tenement in which a spring or brook rises, be it continuous or intermittent, may use its waters as far as they run through the said tenement ; but after the said water leaves the tenement it shall become public and its use is governed by the Special Law of Waters.

SECTION 420.—Private ownership of the beds of rain waters does not give a right to make works and constructions which may divert the course of such waters to the injury of a third person, nor those, the destruction of which by the force of floods, may cause such injury.

SECTION 421.—No one may enter private property in search of waters or make use of them without permission from the owners thereof.

SECTION 422.—The dominion which the owner of a tenement has over the waters rising thereon does not injure the rights which the owner of a lower tenement may have legally acquired to the use thereof.

SECTION 423.—Every owner of a tenement has a right to construct within his property receptacles for rain water, provided he does no damage thereby to the public or to a third person.

CHAPTER IV.

SUBTERRANEAN WATERS.

SECTION 424.—Only the owner of a tenement or another person with his permission, may search for subterranean waters thereon.

The search for subterranean waters in lands of public domain may be made only with the permission of the administrative authorities.

SECTION 425.—Artesian waters discovered in accordance with the Special Law of Waters belong to the person discovering them.

SECTION 426.—When the owner of artesian waters abandons the same to their natural course, they shall become public domain.

CHAPTER V.

GENERAL PROVISIONS.

SECTION 427.—The owner of a tenement on which there are defensive works to check waters, or on which by the variation of their course, it may be necessary to reconstruct them anew, is bound, at his option, either to make the necessary repairs or construction, or to permit that, without damage to him, the owners of the tenements who suffer or are clearly exposed to suffer damages, should make such works.

SECTION 428.—The provisions of the preceding section apply to the cases in which it may be necessary to clear a tenement from the material, the accumulation or fall of which may obstruct the course of waters, to the injury or danger of a third person.

SECTION 429.—All the owners who participate in the benefits arising from the works to which preceding sections refer shall be bound to contribute to the expenses of their several interests. Those who by their own fault may have caused the damages, shall be liable for such expenses.

SECTION 430.—The ownership and use of waters belonging to corporations or private persons are subject to the Law of Eminent Domain for reasons of public utility.

SECTION 431.—The provisions of this title shall not cause injury to rights previously acquired, nor to the

private dominion of the owners of waters, drains, fountains or springs by virtue of which they use, sell, or barter them as private property.

SECTION 432.—Anything not expressly determined by the provisions of this chapter shall be governed by the Special Law of Waters.

TITLE V.

P O S S E S S I O N .

CHAPTER I.

POSSESSION AND THE KINDS THEREOF.

SECTION 433.—Natural possession is the holding of a thing or the enjoyment of a right by any person. Civil possession is the same holding or enjoyment joined to the intent of holding the thing or right as one's own.

SECTION 434.—Possession is exercised upon things or rights, either by the same person who holds and enjoys them, or by another in his behalf.

SECTION 435.—The possession of property and rights may be considered in one of two different aspects: either in that of the owner, or in that of the holder of the thing or right to keep and enjoy them, the ownership belonging to another person.

SECTION 436.—A *bona fide* possessor is deemed to be person who is not aware that there exists in his title or the manner of acquiring it, any flaw invalidating the same.

A possessor in bad faith is deemed to be any person possessing in any case contrary to the above.

SECTION 437.—Good faith is always presumed, and any person averring bad faith on the part of a possessor, is bound to prove the same.

SECTION 438.—It is presumed that possession, is continued under the same understanding by which it was acquired, until the contrary be proven.

SECTION 439.—Only things and rights susceptible of being appropriated can be the objects of possession.

CHAPTER II.

THE ACQUISITION OF POSSESSION

SECTION 440.—Possession is acquired either by the material occupation of the thing or the right possessed or by the fact that they remain subject to the action of the will, or by the proper acts and legal formalities established for acquiring such right.

SECTION 441.—Possession may be acquired by the same person who is to benefit thereby, by his legal representative, by his agent, and by a third person without any power whatsoever; but in the last case, possession shall not be considered as acquired until the person in whose name the act of possession has been executed has ratified the same.

SECTION 442.—The possession of hereditary property is understood as transferred to the heir without interruption and from the moment of the death of the testator, in case the inheritance be accepted.

Any person who rejects an inheritance in a valid manner is considered as never to have possessed the same.

SECTION 443.—In no case can possession be forcibly acquired so long as a possessor is opposed thereto. Any person who believes that he has a right or action to deprive another of the holding of a thing, shall petition the assistance of the competent authorities, provided the holder refuses to deliver up the said thing.

SECTION 444.—Any person who succeeds by hereditary title shall not suffer the consequences of a faulty possession of the testator, unless it be shown that he was aware of the defects affecting such possession; but the effects of possession in good faith shall benefit him only from the date of the decease of the testator.

SECTION 445.—Minors and incapacitated persons may acquire the possession of things; but they require the assistance of their legal representatives to exercise the rights in their favor which arise from the possession.

SECTION 446.—Acts merely tolerated and those clandestinely executed, without the knowledge of the possessor of a thing, or with violence, do not affect possession.

SECTION 447.—Possession, as a fact, cannot be recognized in two different personalities, unless in cases of indivisibility. If a question arises regarding the fact of possession, preference shall be given to the present possessor; if there be two possessors, to the one longest in possession; if the dates of the possessions coincide, to the one presenting a title; and when all these conditions are equal, the thing shall be placed in deposit or judicial keeping, whilst the possession or ownership be determined through proper proceedings.

CHAPTER III.

THE EFFECTS OF POSSESSION.

SECTION 448.—Every possessor has a right to be respected in his possession; and if he be disturbed therein, he shall be protected or reinstated in such possession by the means established in the laws of procedure.

SECTION 449.—Only the possession acquired and enjoyed by a person in the belief that he is the owner can serve as a title to acquire ownership.

SECTION 450.—The possessor who believes himself owner has in his favor the legal presumption that he possesses under a just title and he cannot be compelled to show the same.

SECTION 451.—The possession of any tenement presumes the possession of the furniture and objects therein, so long as it be not shown or proven that they should be excluded.

SECTION 452.—Each one of the participants of a thing possessed in common, is deemed to have possessed the part allotted to him upon the division thereof during the whole time that the property remained intact. Interruption in the possession of the whole or part of a thing possessed in common shall be to the equal prejudice of all the possessors.

SECTION 453.—A possessor in good faith becomes the owner of the fruits collected, so long as the possession is not legally interrupted.

Natural and cultivated fruits are considered as collected from the time they are gathered or separated.

Civil fruits are considered as daily proceeds, and belong, in that proportion, to the possessor in good faith.

SECTION 454.—If, when good faith ceases to exist, there are any natural or cultivated fruits still ungathered, the possessor shall have the right to recover the expenses he may have incurred in their production, and, moreover, to a part of the net proceeds of the crop in proportion to the duration of his possession.

The costs shall be distributed, in like manner, *pro rata* between the two possessors.

The owner of the thing may, if he wishes, grant to the possessor in good faith the right to complete the cultivation and harvesting of growing fruits, as in-

demnity for his part of the cost of cultivation and net proceeds; the possessor in good faith who, from any motive, does not care to accept this concession, forfeits the right to be otherwise indemnified.

SECTION 455.—Necessary expenses are refunded to every possessor; but only the possessor in good faith may retain a thing until such expenses are made good to him.

Useful expenses are refunded to the possessor in good faith with the same right of retention, it being at the option of the party who has defeated him in his possession to refund the amount of the expenses or to pay the increase in the value of the thing in consequence of such expenses.

SECTION 456.—Expenses incurred purely for luxury or mere pleasure are not returnable to the possessor in good faith; but he may remove the ornaments with which he has embellished the principal thing if it suffer no injury thereby, and if his successor in the possession does not prefer to refund the amount expended.

SECTION 457.—A possessor in bad faith shall pay for the fruits collected and for those which the lawful possessor might have collected, and shall only have the right to be reimbursed for the necessary expenses incurred in the preservation of the thing. Expenses incurred in improvements for luxury and pleasure shall not be refunded to the possessor in bad faith; but he may remove the objects for which such expenses have been incurred, provided the thing suffers no injury thereby, and the lawful possessor does not prefer to retain them and pay the value they may have at the time he enters into possession.

SECTION 458.—Improvements caused by nature or

time always redound to the benefit of the person who has succeeded in acquiring possession.

SECTION 459.—A possessor in good faith is not responsible for the deterioration or loss of the thing possessed, except in those cases in which it is proven that he has acted with fraudulent intent. A possessor in bad faith is in every case responsible for any deterioration or loss, and even of such as are caused by *vis major*, when he has with evil intent delayed the delivery of the thing to its lawful possessor.

SECTION 460.—The person who obtains possession is not bound to pay for improvements that have ceased to exist at the time he acquires the thing.

SECTION 461.—A present possessor who shows his possession at some previous time is presumed to have held possession also during the intermediate period, unless the contrary be proven.

SECTION 462.—A possessor may lose possession:

1. By abandonment of the thing.
2. By an assignment made to another person, either for a valuable consideration or by a deed of gift.
3. By the destruction or total loss of the thing, or because the same becomes unmarketable.
4. By the possession of another person, even against the will of the former possessor, if the new possession has lasted longer than a year.

SECTION 463.—The possession of a movable is not considered as lost so long as it remains under the control of the possessor, although he may by chance be ignorant of the whereabouts thereof.

SECTION 464.—The possession of immovables and real rights is not deemed lost, nor transferred for the purposes of prescription to the prejudice of a third person,

except in accordance with the provisions of the Mortgage Law.

SECTION 465.—Acts relating to possession, either executed or agreed to by a person who possessess a thing belonging to another person merely as an occupant to benefit by or retain it for any reason, do not bind nor obligate the owner, unless he has granted to the said occupant especial authority to execute the said acts, or shall subsequently ratify them.

SECTION 466.—The possession of personal property acquired in good faith, is equivalent to a title thereto. Nevertheless, any person who has lost any movable or has been illegally deprived thereof, may recover it from the person in possession of the same.

If the possessor of a movable lost or stolen has acquired the same in good faith at a public sale, the owner cannot obtain the restitution thereof without reimbursing the price paid therefor.

With regard to things acquired on the exchanges, or at fairs or markets, or from a lawfully established merchant habitually occupied in dealings with objects of the kind, the provisions of the Code of Commerce shall be observed.

SECTION 467.—Wild animals are only possessed so long as they are under control; domesticated or tamed animals are considered as tame or domestic if they retain the habit of returning to the home of the possessor.

SECTION 468.—Any person who, according to law, recovers possession unlawfully lost, is considered to have held it uninterruptedly for all purposes which may redound to his benefit.

TITLE VI.

USUFRUCT, USE AND OCCUPANCY.

CHAPTER I.

USUFRUCT.

ARTICLE FIRST.—USUFRUCT IN GENERAL.

SECTION 469.—Usufruct is the right to enjoy a thing owned by another person and to receive all the products, utilities and advantages produced thereby, under the obligation of preserving its form and substance, unless the deed constituting such usufruct or the law otherwise decree.

SECTION 470.—The rights and obligations of the usufructuary shall be those stated in the deed establishing the usufruct; in default of such deed, or because of its incompleteness, the provisions contained in the two following Articles shall be observed.

ARTICLE SECOND.—THE RIGHTS OF THE USUFRUCTUARY.

SECTION 471.—The usufructuary shall have the right to all the natural, cultivated and civil fruits on the property in usufruct. As regards treasures that may be found on the tenement, he shall be deemed a stranger.

SECTION 472.—Natural or cultivated fruits ungathered at the time the usufruct begins, belong to the usufructuary.

Those ungathered at the time the usufruct terminates, belong to the owner.

In the preceding cases the usufructuary, at the beginning of the usufruct, is not bound to refund to the owner any expenses incurred; but at the termination of the usufruct, the owner is bound to refund, from the

proceeds of the ungathered products, the ordinary cost of cultivation, sowing and other expenses of the same nature incurred by the usufructuary.

The provisions of this section do not prejudice the rights of any third person acquired either at the beginning or at the end of the usufruct.

SECTION 473.—If the usufructuary has leased the lands or tenements given in usufruct, and the usufruct expires before the termination of the lease, he or his heirs and successors shall receive only proportionate share of the rent paid by the lessee.

SECTION 474.—Civil fruits are considered as daily proceeds, and belong to the usufructuary in proportion to the time the usufructs last.

SECTION 475.—When usufruct is established on the right to collect a rent or periodical allowance, whether in money or in fruits, or in interest on obligations or certificates payable to the bearer, each payment due shall be considered as proceeds or fruits of the said right.

When it consists in the enjoyment of benefits accruing from a participation in any industrial or commercial enterprise, the date of the distribution of which is not fixed, such benefits shall have the same consideration.

In either case, they shall be distributed as civil fruits and they shall be applied in the manner prescribed in the preceding section.

SECTION 476.—The usufructuary of lands containing mines is not entitled to the proceeds of such mines unless they are expressly ceded to him in the deed establishing the usufruct, or unless such usufruct be universal.

Nevertheless, the usufructuary may remove stones,

lime and chalk from the quarries for repairs or works that he may be obliged to undertake or which may be necessary.

SECTION 477.—Notwithstanding the provisions of the preceding section, in legal usufructs the usufructuary may work the mines existing in the lands, retaining one-half of the proceeds which result after deducting the expenses, which he shall share equally with the owner.

SECTION 478.—The status of usufructuary does not deprive the owner of the land of the right of ownership to minerals of all kinds which may exist under the surface.

SECTION 479.—The usufructuary shall have the right to enjoy the increase which the thing in usufruct may acquire through accession, as also the servitudes existing in its favor, and, in general, all benefits inherent therein.

SECTION 480.—The usufructuary may personally benefit by the property in usufruct, lease it to another person, and alienate his right to the usufruct, even though it be by deed of gift; but all contracts he may enter into as such usufructuary shall terminate at the end of the usufruct, except the lease of rural tenements, which shall be considered as subsisting during the agricultural year.

SECTION 481.—When the usufruct includes things which, without being consumed, gradually deteriorate through use, the usufructuary shall have the right to make use thereof, in accordance with the purpose they are intended for, and shall not be obliged to return them at the termination of the usufruct, except in the condition in which they may be; but he shall be obliged to indemnify the owner for whatever deterioration such

things may have suffered by reason of deceit or neglect on his part.

SECTION 482.—When the usufruct includes property which cannot be used without being consumed, the usufructuary shall have the right to make use of them under the obligation of paying their appraised value on the expiration of the usufruct, if they were appraised when given to him. When they have not been appraised he shall have the right to make restitution in the same quantity and quality or pay their current value at the time the usufruct ceases.

SECTION 483.—The usufructuary of cane or coffee plantations, or of any trees or shrubs, may make use of the dead trunks, or even of those cut off or torn off by accident, under the obligation of replacing them with others.

SECTION 484.—If, in consequence of a storm, flood, calamity or extraordinary event, the cane or coffee plantations or other trees or shrubs, shall have disappeared in such a considerable number that it would not be possible or be too costly to replace them, the usufructuary may leave the dead, fallen or destroyed trunks at the disposal of the owner and may oblige him to remove them and clear the land.

SECTION 485.—The usufructuary of wood land shall enjoy all the profits which the same may produce, according to the nature thereof.

If the woodland is a copse or consists of timber for building, the usufructuary may do such ordinary cutting and felling as the owner was in the habit of doing and, in default of this, he may do so in accordance with the custom of the place, as to manner, amount and season.

In any case, the felling or cutting of trees shall be

made so as not to prejudice the preservation of the tenement.

In tree nurseries, the usufructuary may make the thinnings necessary to permit the remaining trees to develop properly.

With the exception of the provisions of the preceding paragraphs, the usufructuary cannot cut down trees unless it be to restore or improve any of the things in usufruct, and in this case, the owner shall previously have knowledge of the necessity for the work.

SECTION 486.—The usufructuary of an action to recover a tenement or real right, or any movable, has the right to enforce it and to oblige the owner of the action to assign him, for this purpose, his own power as owner, and to afford him whatever elements of evidence he may have. When, as a result of the enforcement of such action, he acquires the things claimed, the usufruct shall be limited solely to the fruits, the proprietor retaining the ownership.

SECTION 487.—The usufructuary may make, on the property given in usufruct, whatever improvements he deems proper, either for a useful purpose or for pleasure, provided, he does not change its form or substance; but he shall have no right to be indemnified therefor. He may, however, remove the said improvement, if it be possible to do so without damage to the property.

SECTION 488.—The usufructuary may set off any damage to the property with the improvements he may have made thereon.

The owner of a property, the usufruct of which is held by another person, may alienate it, but he may not change its form or substance, nor do anything thereon prejudicial to the usufructuary.

SECTION 489.—The usufructuary of a part of a thing held in common shall exercise all the rights appertaining to the owner thereof, with respect to the administration and collection of fruits and interests. If the common ownership cease by reason of the division of the thing held in common, the usufruct of the part allotted to the owner or co-proprietor shall belong to the usufructuary.

ARTICLE THIRD.—THE OBLIGATIONS OF THE USUFRUCTUARY.

SECTION 490.—The usufructuary, before entering on the enjoyment of any property, is obliged:

1. To make, after summoning the owner or his legitimate representative, an inventory of all the property, causing an appraisement of the furniture and a description of the condition of the immovables to be made.

2. To give security, binding himself to fulfill the obligations imposed on him by this Article.

SECTION 491.—The provision contained in number 2 of the preceding section is not applicable to the vendor or donor who has reserved to himself the usufruct of the property sold or donated, nor to parents who are usufructuaries of the property of their children, nor to the surviving husband or wife with respect to the hereditary portion belonging to him or to her in the intestate inheritance of the other.

SECTION 492.—The usufructuary, whatever be the title to the right of usufruct, may be excused from the obligation of making an inventory or of giving security, when no one be injured thereby.

SECTION 493.—Should the usufructuary not give security in the cases when he is bound to give it, the owner may require that the immovables be placed

under administration, that the movables be sold, that the public securities, deeds of credit, either payable to order or to bearer, be converted into certificates or deposited in a bank or other public institution; and that the capital or sums in cash, and the price of the alienation of the personal property, be invested in safe securities.

Interest on the price of the movables, and that on public securities and bonds, notes, stocks, shares, and others of a like nature (valores), and the proceeds of property placed under administration, belong to the usufructuary.

The owner may furthermore, if he prefers, until the usufructuary gives security or is excused from so doing, retain in his possession the property in usufruct, as administrator, and with the obligations to deliver the net proceeds thereof to the usufructuary, less the sums which may be agreed upon or may be judicially fixed for the said administration.

SECTION 494.—If the usufructuary who has not given security demands, under security given by oath (caución juratoria), the delivery of the furniture necessary for his own use and that of his family, in some house included in the usufruct, the District Court may grant his petition, after a consideration of the circumstances of the case.

The same shall be understood as respects instruments, implements and other movables necessary for the industry in which he is employed.

If the owner does not wish that certain pieces of furniture be sold, either by reason of their artistic worth or because they have a special value in his eyes (precio de afección), he may demand their delivery to

him upon giving security for the payment of the legal interest on their appraised value.

SECTION 495.—After security has been given by the usufructuary, he shall have the right to all the products from the day on which he should have begun to receive them, in accordance with the deed constituting the usufruct.

SECTION 496.—The usufructuary shall care for the property given in usufruct as any good father of a family would do.

SECTION 497.—A usufructuary who alienates or leases his right of usufruct shall be liable for any damages suffered by the property in usufruct through the fault or neglect of the person who substitutes him.

SECTION 498.—If the usufruct be established on cattle of any kind, the usufructuary shall be obliged to replace, with the young thereof, those that die during each year through natural causes or are missing by reason of the rapacity of beasts of prey.

If the said cattle on which the usufruct is established shall all perish without any fault of the usufructuary, on account of any contagious disease or any other uncommon occurrence, the usufructuary shall fulfill his obligation by the delivery to the owner of the remains saved from such occurrence.

Should the cattle perish in part, also through accident, and without the fault of the usufructuary, the usufruct shall continue on the part saved.

SECTION 499.—The usufructuary shall be obliged to make the ordinary repairs necessary on things given in usufruct.

By ordinary repairs are understood such as are required by the wear and tear produced by the natural use of things and which are indispensable for the pre-

servation of such things. If the usufructuary shall not make them after being requested to do so by the owner, the said owner may make them at the expense of the usufructuary.

SECTION 500.—Extraordinary repairs shall be made at the expense of the owner. The usufructuary is obliged to notify the owner when the necessity for such repairs is urgent.

SECTION 501.—If the owner shall make extraordinary repairs, he has the right to demand of the usufructuary the legal interest on the amount invested in such repairs during the continuance of the usufruct.

If he shall not make them when indispensable for the maintenance of the thing, the usufructuary may make them; but he shall have the right to demand of the owner, at the end of the usufruct, the increase in value which the tenement may have acquired by virtue of such repairs.

If the owner refuse to pay the value thereof, the usufructuary has the right to retain the thing until he reimburses himself with the products thereof.

SECTION 502.—The owner may construct the works and make the improvements of which the tenement in usufruct is susceptible, provided the same does not cause a diminution in the value of the usufruct nor prejudice the right of the usufructuary.

SECTION 503.—The payment of charges and annual taxes and of those considered as liens on the fruits, shall be at the expense of the usufructuary so long as the usufruct continues.

SECTION 504.—Taxes imposed directly upon the capital, during the usufruct, shall be paid by the owner.

If the latter has paid them, the usufructuary shall pay him proper interest on the sums he may have dis-

bursed by reason thereof and, if the usufructuary advance the amounts of such taxes, he shall receive the amount thereof at the end of the usufruct.

SECTION 505.—If the usufruct be established on the whole of any patrimony, and if, at the time it is established, the owner has debts, it shall be understood that the usufructuary is only obliged to pay the debts contracted before such establishment, or when the usufruct has been established to defraud the creditors.

The same provision is applicable to any case in which the proprietor is obliged, at the time the usufruct is established, to pay periodical sums, even though there be no known capital.

SECTION 506.—The usufructuary may personally claim the credits due which form a part of the usufruct, if he has given or gives the proper security. If he has been released from giving security or if he cannot give it, or if that given is not sufficient, he shall require the authorization of the owner, or, in his default, of the District Court, to collect the said credits.

The usufructuary who has given security may invest the capital he receives in any manner he may deem fit.

The usufructuary who has not given security shall place the said capital at interest, upon agreement with the owner; in default of such agreement under judicial authorization; and in every case, with security sufficient to preserve the integrity of the capital in usufruct.

SECTION 507.—A universal usufructuary shall pay in full any legacy consisting of a life annuity or allowance for support.

The usufructuary of any aliquot part of an inheritance shall pay such legacy in proportion to his share.

In neither of the two cases shall the owner be obliged to make any reimbursement.

The usufructuary of one or more specified things shall pay the legacy only when the annuity or allowance is expressly constituted on such things.

SECTION 508.—The usufructuary of a mortgaged tenement shall not be obliged to pay the debts for the security of which the mortgage was made.

When the tenement is attached or judicially sold for the payment of the said debt, the owner shall be liable to the usufructuary for what he may lose by reason thereof.

SECTION 509.—If the usufruct be on the whole or any aliquot part of any inheritance, the usufructuary may advance the sums which may belong to the property in usufruct for the payment of the debts of the said inheritance, and shall have the right to demand their return from the owner, without interest, at the expiration of the usufruct.

If the usufructuary refuse to make the said advance, the owner may demand that the part of the property in usufruct which may be necessary to pay the said sums, to be sold, or pay them with his own money, with the right, in this latter case, to demand of the usufructuary the corresponding interest.

SECTION 510.—The usufructuary is obliged to notify the owner of any act of any third person, which may come to his knowledge and which may be prejudicial to the rights of ownership, and shall be liable, if he do not do so, for the damages and injuries, as if they were caused by his own fault.

SECTION 511.—The expenses, costs, and condemnations of the suits instituted with regard to the usufruct, shall be charged to the usufructuary.

ARTICLE FOURTH.—THE MANNER IN WHICH USUFRUCTS
ARE EXTINGUISHED.

SECTION 512.—Usufruct is extinguished:

1. By the death of the usufructuary.
2. By the expiration of the period for which it was established, or by the fulfilment of the resolutive condition expressed in the deed establishing the usufruct.
3. By merger of usufruct and ownership in the same party.
4. By the renunciation of the usufructuary.
5. By the total loss of the thing in usufruct.
6. By the termination of the right of the person establishing the usufruct.
7. By prescription.

SECTION 513.—If the thing given in usufruct be lost only in part, the said right shall continue with regard to the remainder.

SECTION 514.—The usufruct cannot be established in favor of a town, corporation or association for more than thirty years. If it has been established and before the said period the town becomes deserted or the corporation or association is dissolved, the usufruct shall be extinguished by reason thereof.

SECTION 515.—Usufruct granted for the time that may transpire before a third person attains a certain age, shall continue during the number of years specified, even though the said third person dies before the time expires, unless the said usufruct has been expressly established only because of the existence of the said person.

SECTION 516.—If a usufruct shall be established on a tenement of which a building forms a part, and the

latter shall, by any means, be destroyed, the usufructuary shall have the right to enjoy the land and materials.

This shall also be the case if the usufruct is established only upon a building and the same be destroyed. But, in such a case, if the owner wishes to construct another building, he shall have the right to occupy the land and to make use of the materials, and shall be obliged to pay the usufructuary, during the continuance of the usufruct, the interest upon the sums equivalent to the value of the land and the materials.

SECTION 517.—If the usufructuary shares with the owner the insurance of the tenement given in usufruct, the usufructuary shall, in case of loss, continue in the enjoyment of the new building, if the same be constructed, or shall receive the interest on the amount of the insurance, if the owner does not wish to rebuild.

If the owner shall have refused to contribute to the insurance of the tenement, and the usufructuary insures it alone, the latter shall acquire the right to receive, in case of loss, the full amount of the insurance but with the obligation to invest it in rebuilding the tenement.

If the usufructuary shall have refused to contribute to the insurance and the owner alone pays the same, the latter shall receive, in case of loss, the full amount of the insurance, but the usufructuary shall always have the rights granted to him in the preceding section.

SECTION 518.—If the thing in usufruct shall be expropriated for reasons of public utility, the owner shall be obliged, either to replace it with another thing of the same value, and having similar conditions, or to

pay the usufructuary the legal interest on the amount of the indemnity during all the time the usufruct continues. If the owner chooses the latter course, he shall give security for the interest.

SECTION 519.—Usufruct is not extinguished by misuse of the thing in usufruct; but if the abuse causes considerable injury to the owner, the latter may demand that the thing be delivered to him, binding himself to pay annually to the usufructuary the net proceeds of the same, after deducting the expenses and the compensation that may be assigned to him for its administration.

SECTION 520.—Usufruct established in favor of several persons living at the time of its establishment shall not be extinguished until the death of the last survivor of them.

SECTION 521.—Upon the termination of the usufruct the thing in usufruct shall be delivered to the owner, unless the right of retention appertaining to the usufructuary or to his heirs, for such expenses which they should recover, be enforced. After the delivery is made, the bond or the mortgage shall be cancelled.

CHAPTER II.

USE AND OCCUPANCY.

SECTION 522.—Use is the right granted to a person to make gratuitous use of a thing belonging to another or to receive a part of the fruits of the same, in so far as they be sufficient for the wants of the said person and his family.

SECTION 523.—The right of occupancy is the right to gratuitously occupy a house belonging to another person.

SECTION 524.—The rights of use and occupancy are

established and extinguished in the same manner as usufruct.

SECTION 525.—The usufruct of any property is distinguished from the use of the same in that the enjoyment of the thing by the usufructuary is not confined to what is necessary for the maintenance of himself and his family, but he may receive all the fruits and dispose of them as he pleases.

The person who has the use of an estate has only the right to receive the fruits necessary for his own maintenance and that of his family.

The person having the use may also receive the fruits necessary for the maintenance of his wife and children, even though he contract marriage after the use has been granted him.

SECTION 526.—The rights and obligations of a person having the use of a thing and of the one who has the right of occupancy shall be governed by the deed constituting such rights, and in default of them, by the following provisions.

SECTION 527.—The rights of use and occupancy cannot be leased nor transferred by any title whatever to another person.

SECTION 528.—The person having the use of cattle, may make use of the young, milk and wool thereof, in so far as may be sufficient for the consumption of himself and his family, as well as of the dung required for manuring the land he may cultivate.

SECTION 529.—If the person who has the use of a thing belonging to another person consume all the fruits thereof, or if the person having the right of occupancy shall occupy the entire building, he shall be under obligation to pay all expenses of cultivation, the ordinary repairs for the preservation of the prop-

erty, and taxes, in the same manner as the usufructuary.

If he receives only a part of the fruits or occupies only a part of the building, he shall not contribute anything, provided that a part of the fruits and profits sufficient to cover the expenses and charges remain to the owner. If the said part be insufficient, the amount lacking shall be supplied by the party having the use or habitation.

SECTION 530.—The right of use may be granted during the life of the person to whom it is granted, in case the deed constituting it has not fixed the time of its duration.

SECTION 531.—He who has the right of occupancy of a house may reside therein with his family, although he may not have been married at the time this right was granted to him.

SECTION 532.—Even when the right of occupancy only grants to a party having the use thereof the right to occupy the house, in so far as may be necessary for himself and his family, he may, nevertheless, use the same to receive therein, or in the part granted to him, such friends, guests or boarders as may live with him.

SECTION 533.—The person granted the use or the right of occupancy is obliged to make use of the thing of which he has the use or occupancy, with the care and attention of a good father of a family, and to return it to the owner at the end of the period of such use or occupancy, in the same condition in which he received it, and he shall be responsible for whatever damages it may have received by reason of neglect or fraud on his part.

SECTION 534.—The provisions established for usufruct are applicable to the rights of use and occupancy,

in so far as they are not opposed to the provisions of this chapter.

SECTION 535.—The rights of use and occupancy are extinguished for the same causes as usufruct and also by reason of serious abuse of the thing or the dwelling.

TITLE VII.

SERVITUDES.

CHAPTER I.

SERVITUDES IN GENERAL.

ARTICLE FIRST.—THE DIFFERENT KINDS OF SERVITUDES WHICH MAY BE ESTABLISHED ON TENEMENTS.

SECTION 536.—A servitude is a charge imposed upon an immovable for the benefit of another tenement belonging to a different owner.

The immovable in favor of which the servitude is established is called the dominant tenement; the one subject thereto, is called the servient tenement.

SECTION 537.—Servitudes may also be established for the benefit of one or more persons or of a community to whom the encumbered tenement does not belong.

SECTION 538.—All servitudes which affect lands may be divided into two classes, personal and real.

Personal servitudes are those which are inseparably attached to the person in whose benefit they have been established, and which terminate with his life. Such servitudes are of three kinds: usufruct, use and occupancy.

Real servitudes, also called predial servitudes, are those enjoyed by the owner of a tenement and established on another tenement in benefit of the former.

Predial servitudes are so called because, being established for the benefit of an estate, the obligations constituting it are due to the estate, and not to the person who may be the owner thereof.

SECTION 539.—Servitudes may be continuous or discontinuous, apparent or not apparent.

Continuous servitudes are those the use of which is or may be uninterrupted, without the intervention of any human act.

Discontinuous servitudes are those used at long or short intervals, and which depend upon human acts.

Apparent servitudes are those which are indicated and which are continually in sight by external signs, which reveal the use and benefit of the same.

Servitudes not apparent are those which show no external sign of their existence.

SECTION 540.—Servitudes are also positive or negative.

A positive servitude is one which imposes upon the owner of the servient tenement the obligation of allowing something to be done or of doing it himself, and a negative servitude is one which prohibits the owner of the servient tenement doing something which would be licit for him to do if the servitude did not exist.

SECTION 541.—Servitudes are inseparable from the tenement to which they actively or passively belong.

SECTION 542.—Servitudes are indivisible. When the servient tenement is divided among two or more persons the servitude is not modified and each of them shall be subject to the servitude in the part corresponding to him.

If the dominant tenement is the one divided among two or more persons, each part-holder may use the ser-

vitute in its entirety, and shall not change the place of its use nor encumber it in any other way

SECTION 543.—Servitudes are established either by law or by the will of the owners. The former are called legal servitudes and the latter voluntary servitudes.

ARTICLE SECOND.—THE MANNER OF ACQUIRING SERVITUDES.

SECTION 544.—Continuous and apparent servitude are acquired either by virtue of a title or by prescription after twenty years.

SECTION 545.—In order to acquire by prescription the servitudes referred to in the preceding section, the time of possession shall be counted, in positive servitudes, from the day on which the owner of the dominant tenement or the person who has made use of the servitude shall have begun to exert it over the servient tenement; and in negative servitudes, from the day on which the owner of the dominant tenement shall have, by a formal act, prohibited the owner of the servient tenement to execute the act which would be legal without the servitude.

SECTION 546.—Continuous and not apparent servitudes and discontinuous servitudes, either apparent or not apparent, can only be acquired by virtue of a title.

SECTION 547.—The want of a title establishing servitudes which cannot be acquired by prescription can only be remedied by deed of acknowledgment, executed by the owner of the servient tenement or by a final judgment.

SECTION 548.—The existence or any apparent sign of servitude between two tenements established by the owner of both of them, shall be considered, if one of them be alienated, as a title, in order that the servitu-

des may continue actively and passively, unless, at the time of the division of the ownership of both tenements, the contrary be expressed in the deed of conveyance of either of them, or if the said sign is removed before the execution of such instrument.

SECTION 549.—Whenever a servitude is established, all the rights necessary for its use are considered as granted.

ARTICLE THIRD.—RIGHTS AND OBLIGATIONS OF THE OWNERS OF
DOMINANT AND SERVIENT TENEMENTS.

SECTION 550.—The owner of the dominant tenement may make, at his own expense, on the servient tenement, all works necessary for the use and preservation of the servitude, but without altering it or rendering it more onerous.

He shall select therefor the most convenient time and manner in order to cause the least possible inconvenience to the owner of the servient tenement.

SECTION 551.—If there be several dominant tenements, the owners of all of them shall be obliged to contribute to the expenses referred to in the preceding section, in proportion to the benefits each may obtain from the work. The one who does not wish to contribute may exempt himself by renouncing the servitude for the benefit of the others.

If the owner of the servient tenement shall, in any manner whatsoever, make use of the servitude, he shall be obliged to contribute to the expenses in the proportion already stated, unless there be an agreement to the contrary.

SECTION 552.—The owner of the servient tenement cannot impair, in any manner whatsoever, the use of an established servitude.

Nevertheless, if by reason of the place originally assigned or of the manner established for the use of the servitude, it shall become too inconvenient to the owner of the servient tenement or prevent him from undertaking works, repairs, or important improvements, it may be changed at his expense, provided he offers another place or manner equally convenient, and no detriment is thereby caused to the owner of the dominant tenement or to those who have a right to the use of the servitude.

ARTICLE FOURTH.—MANNER IN WHICH SERVITUDES ARE
EXTINGUISHED.

SECTION 553.—Servitudes are extinguished:

1. By merger in the same person of the ownership of the servient and dominant tenements.

2. By non-use for twenty years.

In discontinuous servitudes, this period shall begin to be reckoned from the day on which they have ceased to be used; and with regard to continuous servitudes, from the day on which an act in contravention thereof may have taken place.

3. When the tenements become in such condition that the servitude cannot be made use of; but the same shall revive if subsequently the condition of the tenements permits them to be used, unless when the use becomes possible, sufficient time for prescription have elapsed, in accordance with the provisions of the preceding number.

4. When the day matures, or when the condition is fulfilled, if the servitudes be temporary or conditional.

5. By the renunciation of the owner of the dominant tenement.

6. By the redemption agreed upon between the owners of the dominant and servient tenements.

SECTION 554.—The form in which the servitude is to be used may be prescribed like servitude itself, and in the same manner.

SECTION 555.—If the dominant tenement belongs to several persons in common, the use of the servitude made by one of them prevents prescription with regard to the others.

CHAPTER II.

LEGAL SERVITUDES.

ARTICLE FIRST.—GENERAL PROVISIONS.

SECTION 556.—The object of servitudes imposed by law is either public utility, or private interest.

SECTION 557.—All that concerns servitudes established for public or common utility, shall be governed by the special laws and regulations relating thereto, and in the absence of such, by the provisions of the Title.

SECTION 558.—The servitudes established by law for the interest of private persons or from motives of private utility, shall be governed by the provisions of this Title, without prejudice to the provisions of general or local law, regulations and ordinances with regard to city or rural police.

These servitudes may be modified by agreement among the persons interested if the law does not prohibit it, and if it be not prejudicial to a third person.

ARTICLE SECOND.—SERVITUDES RELATING TO WATERS.

SECTION 559.—Lower tenements are obliged to receive the waters which naturally and without the intervention of man descend from higher tenements, as well as the stone or earth which they carry with them.

Neither may the owner of the lower tenement con-

struct works preventing the servitudes nor the owner of the higher tenement works aggravating the same.

SECTION 560.—The banks of rivers, even when they are of private ownership, are subject in their entire length and in their margins, within a zone of three meters, to the servitude of public use for the general interest of navigation, floatage, fishing and salvage.

The tenements adjoining the banks of navigable or floatable rivers are furthermore subject to the servitude of a towpath for the exclusive service of river navigation and floatage.

If it be necessary for such purpose to make use of lands of private ownership, the proper indemnity shall first be paid.

SECTION 561.—If for the diversion or taking of waters from a river or brook, or for the use of other continuous or discontinuous streams it be necessary to construct a dam and the person who is to construct, the same is not the owner of the banks or land upon which he may have to support it, he may establish the servitude for the abutment of the dam by previously paying a proper indemnity.

SECTION 562.—Forced servitudes for drawing water and for drinking troughs for watering animals, may be imposed only for a cause of public utility in favor of a town or village, after payment of the proper indemnity.

SECTION 563.—The servitudes for drawing water and for watering animals carry with them the obligation on servient tenements of giving the right of way to persons and animals, to the point where such servitudes may be utilized, and the indemnity shall include this service.

SECTION 564.—Whoever wishes to make use of water of which he can dispose upon a tenement belonging to

him, has the right to cause it to pass through the intermediate tenements, with the obligation of indemnifying their owners, as well as those of the lower tenements upon which the water may filter or descend.

SECTION 565.—A person desiring to make use of the right granted in the preceding section is obliged:

1. To prove that he can dispose of the water, and that it is sufficient for the use to which it be destined.
2. To show that the right of way he requests is that which is most convenient and least onerous to a third person.
3. To indemnify the owner of the servient tenement in the manner prescribed by the laws and regulations.

SECTION 566.—The servitude of an aqueduct for an object of private interest cannot be imposed on buildings nor their yards or dependencies, nor on gardens or orchards already in existence.

SECTION 567.—The servitude of an aqueduct does not prevent the owner of the servient tenement from closing and fencing it, nor from building over the aqueduct, in such manner that the latter suffers no damage nor renders impossible necessary repairs and cleanings.

SECTION 568.—The servitude of an aqueduct shall, for its legal effects, be considered as continuous and apparent, although the passage of the water be not continuous or even if its use depend on the requirements of the dominant tenement, or on the successive order established therefor by days or hours.

SECTION 569.—A party who for the purpose of irrigating or improving his tenement, as to construct a stop lock or sluiceway in the sluiceway through which the water is to be received, may demand that the owners of the margins allow their construction, after paying

all losses and damages, including those caused by the new servitude to the said owner and to the other irrigator.

SECTION 570.—The establishment extent, form and conditions of the servitudes of waters to which this Article refers, shall be governed by the special law relating thereto in so far as is not provided for in this Code.

ARTICLE THIRD.—SERVITUDES OF RIGHT OF WAY.

SECTION 571.—The owner of a tenement or property surrounded by others belonging to several owners, and having no exit to the public highways, has the right to demand the right of way through the neighboring tenements on paying the proper indemnity.

If this servitude be established in such a manner that its use may be continuous for all the requirements of the dominant tenement establishing a permanent passage, the indemnity shall include the value of the land occupied and the amount of damage caused to the servient tenement.

When it is limited to the passage required for the cultivation of the tenement surrounded by others, and for the transportation of its crops through the servient tenement without a permanent passage, the indemnity shall consist in the payment of the damage caused by the said encumbrance.

SECTION 572.—The servitude of the right of way shall be at the point least prejudicial to the servient tenement, and, in so far as is consistent with this rule, where the distance from the dominant tenement to the public road may be the shortest.

SECTION 573.—The width of the servitude of the right of way shall be sufficient for the necessities of the dominant tenement.

SECTION 574.—When a tenement, acquired by sale, exchange or division shall be surrounded by other tenements of the vendor, exchanger or part-owner, the latter shall be obliged to grant the right of way without indemnity unless there is an agreement to the contrary.

SECTION 575.—If the right of way granted to an enclosed tenement ceases to be necessary because the owner thereof has joined it to another abutting on the public road, the owner of the servient tenement may demand the extinction of the servitude returning what he may have received by way of indemnity.

The same shall be understood in case a new road is opened giving access to the enclosed tenement.

SECTION 576.—If it be indispensable for the construction or repair of a building to carry the materials through another's tenement, or to raise thereon scaffolding or other objects necessary for the work, the owner of the said tenement is obliged to consent thereto, receiving an indemnity equivalent to the damage caused him.

SECTION 577.—Exiting servitudes of the right of way for the passage of stock, and those for watering troughs shall be governed by the ordinances and regulation relating thereto, and in the absence thereof, by the uses and customs of the place.

When it may be necessary to establish a forced servitude of the right of way or for a drinking trough for cattle, the provisions of this Article and of Sections 562 and 563 shall be observed. In this case the width shall not exceed ten meters.

ARTICLE FOURTH.—THE SERVITUDE OF PARTY WALLS AND
FENCES.

SECTION 578.—The servitude of party walls and fences shall be governed by the provisions of this Title,

and by the local ordinances and customs in so far as they do not conflict with the same, in the absence of provisions governing such servitude.

SECTION 579.—The servitude of a party walls and fences is presumed, unless there is a title or exterior sign or proof to the contrary:

1. In dividing walls of adjoining buildings, up to the point of common elevation.
2. In dividing walls of gardens or yards, situated in a town or in rural districts.
3. In fences, enclosures, and live hedges dividing rural tenements.

SECTION 580.—It is understood that there are exterior signs, contrary to the servitude of party walls and fences:

1. When in dividing walls of buildings there are windows or openings.
2. When the dividing wall is, on one side, straight and vertical in all its facement and has similar conditions in the upper part of the other side, but in the lower part thereof slants or projects.
3. When the entire wall is built on the land of one of the tenements, and not on the dividing line of the two contiguous tenements.
4. When it bears the burden of the binding beams, floors, and roof frame of one of the houses and not of the adjoining one.
5. When the dividing walls, between yards, gardens and estates are so constructed that the coping sheds the waters one of the tenements.
6. When the dividing wall, being constructed of stone and cement, has stones called stepping stones which at certain intervals project from the surface on one side only and not on the other.

7. When rural tenements adjoining others enclosed by fences or live hedges are themselves not closed.

In all these cases the ownership of the wall enclosures, or hedges shall be understood as vested exclusively in the owner of the property or tenement who has in his favor the presumption based on any one of the said signs.

SECTION 581.—Open ditches or drains between tenements are also considered as common if there be no title or sign proving the contrary.

There is a sign contrary to ownership in common when the earth or dirt removed to open or clean the ditch is only on one side thereof, in which case the ownership of the ditch shall be vested exclusively in the owner of the tenement having this exterior sign on its side.

SECTION 582.—The cost of repairs and construction of party walls and the preservation of enclosures, live hedges, ditches and drains in common shall be borne by all the owners of the tenements who are interested therein, in proportion to the rights of each one.

Nevertheless, any owner may exempt himself from contributing to this charge by renouncing his right, except in the case when the party wall supports a building belonging to him.

SECTION 583.—If the owner of a building supported by a party wall desires to demolish it, he may also renounce the part ownership; but all the repairs and works necessary to prevent damages which the demolition may cause to the party wall, on this occasion only, shall be paid for by him.

SECTION 584.—Every owner may construct a party wall by erecting it at his own expense, and by paying

for any damages which may be caused by the work, even when only temporary.

He shall also have to pay for the expenses of maintaining the wall in the part newly raised or deepened at its foundation, with regard to its former condition, and besides the indemnity for the increased expenses which it may be necessary to incur in order to preserve the party wall by reason of the greater height or depth which has been given the same.

If the party wall cannot resist the increased height, the owner desiring to raise it shall be obliged to reconstruct it at his own expense, and, should it be necessary therefor to make it thicker, he shall give the space required from his own land.

SECTION 585.—The other owners, who have not contributed in giving increased height, depth or thickness to the wall, may, nevertheless, acquire therein the right of part ownership by paying proportionately the value of the work and one-half that of the land appropriated for its increased thickness.

SECTION 586.—Every owner of a party wall may use it in proportion to the right he may have in the part ownership. He may, therefore, build, supporting his structure on the party wall, or introduce joists up to one-half its thickness, but without interfering with the common and respective uses of the other part-owners.

In order that the part-owner may make use of this right, he must previously obtain the consent of the other parties interested in the part-ownership; and should he not obtain it, the conditions necessary in order that the new work may not injure the right of the former shall be fixed by experts.

ARTICLE FIFTH.—THE SERVITUDE OF LIGHT AND VIEW.

SECTION 587.—No part-owner may, without the consent of the other, make in the party wall any window or opening whatever.

SECTION 588.—The owner of a wall which is not a party wall, adjoining another's tenement, may make in it windows or openings to admit light, at the height of the ceiling joists or immediately under the ceiling, of the dimensions of thirty centimeters square, and, in any case, with an iron grate embedded in the wall and a wire screen.

Nevertheless, the owner of the tenement or property adjoining the wall in which the openings are made may close them, if he acquires the part-ownership of the wall and if there be no agreement to the contrary.

He may also obstruct them by building on his land or raising a wall adjacent to that having such opening or window.

SECTION 589.—Windows with direct views, or balconies or any similar openings projecting over the tenement of a neighbor shall not be made if there is not a distance of two meters between the wall in which they are built and the said property.

Neither can side or oblique views be opened over the said property, unless there be a distance of sixty centimeters.

SECTION 590.—The distances referred to in the preceding section are measured, in cases of direct views, from the outer line of the wall when the openings do not project, from the line of the latter, when they exist, and for oblique views, from the dividing line of both properties.

SECTION 591.—The provisions of Section 589 of this article are not applicable to buildings separated by a public thoroughfare.

SECTION 592.—When, under any title, a right has been acquired to have direct views, balconies or look-outs overlooking adjacent property, the owner of the servient tenement shall not build thereon at less than three meters distance, to be measured according to the manner stated in Section 590.

ARTICLE SIXTH.—THE DRAINAGE OF BUILDINGS.

SECTION 593.—The owner of a building is obliged to construct his roofs or coverings in such manner that rain-water may fall on his own land or on the street or any public place, and not on the land of his neighbor. Even if it fall on his own land, the owner is obliged to collect it in such manner as will not injure the adjoining tenement.

SECTION 594.—The owner of the tenement charged with a servitude of receiving water discharged from roofs, may build in such way as to receive the waters upon his own roof, or give them another outlet, in accordance with the local ordinances or customs, and so as not to be burdensome or detrimental to the dominant tenement in any manner whatsoever.

SECTION 595.—When the yard or court of a house is enclosed between other houses, and it be not possible to give an outlet through the house itself to the rain-water collected therein, the establishment of a servitude of drain may be demanded, giving an outlet to the waters at the point of the contiguous tenements where its egress may be the easiest, and establishing a conduit for the drain in such manner as to cause the least

damage to the servient tenement, after payment of the proper indemnity.

ARTICLE SEVENTH.—INTERMEDIATE DISTANCES AND WORKS
FOR CERTAIN CONSTRUCTIONS AND PLANTINGS.

SECTION 596.—Buildings cannot be constructed nor plantings made near fortified places or fortresses without submitting to the conditions required by the special laws, ordinances and regulations relating thereto.

SECTION 597.—No one shall construct near a wall belonging to another, or near a party-wall, wells, sewers, aqueducts, kilns, forges, chimneys, stables, deposits of corrosive materials, manufactories operated by steam, or factories which by reason of the character or products are dangerous or noxious, without observing the distances prescribed by the regulations and customs of the locality and without making the necessary protective works, subject, in regard to the manner thereof, to the conditions prescribed by the said regulations.

In default of regulations, the precautions which may be considered as necessary shall be taken, after hearing expert opinion, in order to avoid any damage to the neighboring tenements or buildings.

SECTION 598.—Trees shall not be planted near another's tenement, except at the distance authorized by the ordinances or customs of the locality, and, in default thereof, at a distance of two meters from the dividing line of the tenements, if the planting is made of tall trees, and at fifty centimeters if the planting is of shrubs or small trees.

Every owner has a right to demand that trees which may be planted in the future at a shorter distance from his property be uprooted.

SECTION 599.—If the branches of any trees extend

over a neighboring tenement, gardens or yards, the owner of the latter shall have the right to claim that they be cut off, in so far as they extend over his property, and if it be the roots of the neighboring trees that extend into the land of another person, the owner of the land into which they extend may cut them off within his property.

SECTION 600.—Trees existing in a party live hedge shall also be considered as party trees, and any of the owners has a right to demand that they be felled.

Treest serving as bonndary marks are excepted, and may be uprooted by common consent of the owners of the adjoining tenements.

CHAPTER III.

VOLUNTARY SERVITUDES.

SECTION 601.—Every owner of an estate has a right to charge it with all the servitudes he may deem fit, and in the manner and form he may consider as best, provided he does not violate the laws or public order.

SECTION 602.—The owner of a tenement the usufruct of which belongs to another may impose thereon, without the consent of the usufructuary, any servitudes not injuring the rights of usufruct.

SECTION 603.—When one person has the direct dominion of any property and another has the beneficial dominion, no perpetual voluntary servitudes can be established thereon without the consent of both owners.

SECTION 604.—In order to impose a servitude on an undivided tenement, the consent of all the part-owners shall be required.

The consent given by some only shall remain in suspension until every one of the joint owners agrees thereto.

But the consent given by one of the part-owners separately shall bind the grantor or his successors, even if they be so by private title, not to prevent the exercise of the right granted.

SECTION 605.—The title, and in a proper case, the possession of a servitude acquired by prescription determines the rights of the dominant tenement and the obligation of the servient tenement. In default thereof, the servitude shall be governed by such provisions of this Title as may be applicable.

SECTION 606.—If the owner of the servient tenement has bound himself at the time of establishing the servitude to defray the cost of the works required for the use and preservation thereof, he may free himself from this obligation by abandoning his estate to the owner of the dominant tenement.

SECTION 607.—Pasturage in common may only be established in the future by an express consent of the owners, contained in a contract or last will, and not in favor of a community of persons or upon a community of property, but in favor of specified individuals and on tenements also definite and specified.

A servitude established in accordance with this section shall be governed by the document constituting it.

SECTION 608.—Pasturage in common on public lands, whether belonging to the municipalities, to the People of Porto Rico or to the People of the United States, shall be governed by the administrative laws.

SECTION 609.—If pasturage in common exists between residents of one or more towns, the owner who encloses his property with a wall or hedge shall free the same from the pasturage in common. The other

servitudes established on the same shall, nevertheless, continue.

The owner who encloses his tenement shall preserve his right to the pasturage in common in the other tenements which are not enclosed.

SECTION 610.—The owner of land encumbered by a servitude of pasturage may redeem it by paying the value thereof to those having the right thereto.

In default of any agreement, the amount of the said redemption shall be fixed upon the basis of four per cent of the annual value of the pasturage fixed by an expert appraisement.

SECTION 611.—The provisions contained in the preceding section are applicable to servitudes established for the use of firewood and other products of wood land which are private property.

TITLE VIII.

THE REGISTRY OF PROPERTY.

SOLE CHAPTER.

SECTION 612.—The registry of property has for its object the inscription and annotation of the documents or contracts relating to ownership and other real rights on immovables.

SECTION 613.—The titles of ownership or of other real rights relating to immovables which are not property inscribed or annotated in the registry of property, shall not be prejudicial to third persons.

SECTION 614.—The registry of property shall be public, for the purpose of ascertaining the condition of the immovables or real rights annotated and inscribed.

SECTION 615.—In order to determine the titles subject to annotation or inscription, the form, effect and extinction of the same, the manner of keeping the re-

gistry, and the value of the entries contained in the books thereof, the provisions of the Mortgage Law shall be observed.

BOOK THIRD.

DIFFERENT WAYS OF ACQUIRING OWNERSHIP.

PRELIMINARY PROVISION.

SECTION 616.—Ownership is acquired by retention.

Ownership and other property rights are acquired and transmitted by law, by gift, by testate or intestate succession, and in consequence of certain contracts, by tradition.

TITLE I.

RETENTION.

SECTION 617.—Things are acquired by retention which can be appropriated by reason of their nature, which have no owners, such as animals which are the object of hunting and fishing, hidden treasure, and abandoned property.

SECTION 618.—The right to hunt and fish is governed by special laws.

SECTION 619.—The owner of a swarm of bees shall have a right to pursue them on another's estate, indemnifying the possessor of the latter for the damage caused. Should it be inclosed, he shall require the consent of the owner to enter the same.

Should the owner not have pursued, or should he abandon the pursuit of the swarm for two consecutive days, the possessor of the estate may take or retain it.

The owner of tamed animals may also claim them

within twenty days, counted from the date of their retention by another. After this period has elapsed, they shall belong to the person who may have caught and kept them.

SECTION 620.—Pigeons, rabbits, and fish, which from their respective breeding places, should pass to another one, belonging to a different owner, shall be the property of the latter, provided they have not been enticed by means of some trickery or fraud.

SECTION 621.—A person finding a treasure by chance, hidden on another's property, shall have the right granted him by Section 358, of Chapter I, Title II of Book Second of this Code.

SECTION 622.—A person finding any personal property, which is not treasure, must return it to its former possessor. Should the latter be unknown, he must deliver it immediately to the mayor of the town where the find was made.

The mayor shall publish it in the usual manner two consecutive Sundays.

Should it not be possible to keep the personal property found without injury or without incurring expenses greatly reducing its value, it, shall be sold at public action, after eight days have elapsed from the second advertisement, without the owner having appeared, and the proceeds shall be deposited.

After two years have elapsed from the date of the second advertisement, without the owner having appeared, the thing found or its value shall be awarded to the person who found it.

The latter, or the owner in a proper case, shall be obliged to pay the costs.

SECTION 623.—Should the owner appear, in due time, he shall be obliged to pay, as a reward to the finder of

the thing, a tenth part of the sum or of the value of the article found. If the value of the find exceeds five hundred dollars, the reward shall be reduced to a twentieth with regard to the excess.

SECTION 624.—The rights to goods jettisoned, or to those cast ashore by the waves, whatever their nature may be, or to plants and herbs growing on the seashore, are fixed by special laws.

TITLE II.

GIFTS.

CHAPTER I.

NATURE OF GIFTS.

SECTION 625.—A gift is an act of liberality by which a person disposes gratuitously of a thing in favor of another, who accepts it.

SECTION 626.—Gifts may be made *inter vivos* or *causa mortis*.

SECTION 627 a.—Gifts *inter vivos* may be of three kinds:

1. A purely gratuitous gift, or one made without any condition attached and through mere liberality.

2. An onerous gift, or one in which the donee is burdened with a charge upon the value of the thing donated.

3. A remunerative gift or one made to a person by reason of his merits or for services rendered to the donor provided such services do not constitute recoverable debts.

SECTION 627 b.—In onerous gifts, the encumbrance imposed upon the donee shall be less in value than the thing donated.

SECTION 628.—Gifts which are to become effective

upon the death of the donor partake of the nature of provisions by last will and shall be governed by the laws established for testamentary succession.

SECTION 629.—Gifts which are to produce their effects *inter vivos* shall be governed by the general provisions of contracts and obligations in all that is not determined in this Title.

SECTION 630.—Gifts for valuable considerations shall be governed by the laws of contracts, and those for valuable considerations by the provisions of this Title with regard to the part exceeding the value of the charge imposed.

SECTION 631.—A gift is consummated upon the donor having knowledge of its acceptance by the donee.

CHAPTER II.

PERSONS WHO CAN BESTOW OR RECEIVE GIFTS.

SECTIONS 632.—All person who can contract and dispose of their property may bestow gifts.

SECTION 633.—All person who are not especially disqualified by law therefor may accept gifts.

SECTION 634.—Persons who can not enter into contracts can not accept conditional gifts or those involving valuable considerations without the intervention of their legal representatives.

SECTION 635.—Gifts made persons, conceived but yet unborn, may be accepted by the persons who would legally represent them if they should already be born.

SECTION 636.—Gifts made to incapacitated persons are void even though made in a fictitious manner, under the guise of another contract, by a third person.

SECTION 637.—A gift does not bind the donor nor produce any effect until accepted.

SECTION 638.—The donee must, under pain of nullity

accept the gift in person or through a person authorized by a special power for the purpose or having a general or sufficient power of attorney.

SECTION 639.—Persons accepting a gift representing others who can not do so in person are obliged to obtain the notification and record referred to in Section 641.

SECTION 640.—Gifts of personal property may be made verbally or in writing.

The verbal one requires the simultaneous delivery of the thing bestowed as a gift. In the absence of this requisite the gift shall produce no effect if not made in writing and if the acceptance does not appear in the same manner.

SECTION 641.—In order that a gift of real property may be valid it shall be made in a public instrument, stating therein in detail the property bestowed as a gift and the amount of the charges, which the donee must satisfy.

The acceptance may be made in the same instrument bestowing the gift or in a different one; but it shall produce no effect if not made during the life of the donor.

If made in a different instrument the acceptance shall be communicated to the donor in an authentic manner, and this proceeding shall be recorded in both instruments.

CHAPTER III.

EFFECTS AND LIMITATIONS OF GIFTS.

SECTION 642.—A gift may include all the actual property of the donor or a part thereof, provided the latter reserves, by legal title or in usufruct, what is required for his support in a condition corresponding to his circumstances.

SECTION 643.—A gift can not include future property.

By future property is considered that which the donor can not dispose of at the time of the gift.

SECTION 644.—Notwithstanding the provisions of Section 642 no person can give nor receive, by way of gift, more than what he can give or receive by will.

A gift shall be considered void in all that exceeds said limits.

SECTION 645.—When a gift has been made to several person jointly, it shall be understood as in equal shares, and there shall be among them no right of accretion unless the donor has otherwise ordered.

From these provisions are excepted gifts made jointly to husband and wife, who shall have such right if the donor has not disposed otherwise.

SECTION 646.—The donee is subrogated to all the rights and actions which, in case of eviction, would correspond to the donor. The latter on his side is not obliged to warrant the things bestowed as a gift, unless the gift is for a valuable consideration, in which case the donor shall be liable for the eviction to the amount of the charge.

SECTION 647.—The donor may reserve to himself the right to dispose of some of the property bestowed as gift or of an amount as a charge thereon; but should he die without having made use of this right, the property or the sum which may have been reserved shall belong to the donee.

SECTION 648.—Ownership can also be bestowed as a gift to a person, and the usufruct to another or others, with the limitations established by Section 769 of this Code.

SECTION 649.—The reversion in favor of the donor only, in any case and under any circumstances, may

also be validly established, but not in favor of other persons, except in the same cases and under similar limitations, as prescribed in this Code for testamentary substitution.

The reversion stipulated by the donor in favor of a third person in contravention of the provisions of the foregoing paragraph, is void, but it shall not cause the annulment of the gift.

SECTION 650.—When the gift has been bestowed, imposing on the donee the duty of paying the debts of the donor, if the clause should contain no other declaration, the former shall only be bound to pay those contracted before the bestowal of the gift.

SECTION 651.—Should there be no stipulation as to the payment of debts the donee shall be liable for them only if the gift has been made to defraud creditors.

The gift shall always be presumed as having been made to defraud creditors when, at the time of bestowing it, the donor has not reserved to himself property sufficient to pay the debts contracted prior thereto.

CHAPTER IV.

REVOCATION AND REDUCTION OF GIFTS.

SECTION 652.—Every gift *inter vivos* made by a person having no legitimate children nor descendants nor legitimized by a subsequent marriage is revoked by the mere fact of the occurrence of any of following cases:

1. When the donor, after the gift should have legitimate or legitimized or acknowledged illegitimate children, even should they be post humous.

2. When the child of the donor, whom he supposed dead when he bestowed the gift, is found to be alive.

SECTION 653.—If the gift is rescinded by the subsequent birth of children, the things bestowed as a gift shall be returned to the donor, or their value, if the donee has sold them.

Should they be mortgaged, the donor may cancel the mortgage, paying the sum secured by it, being entitled to demand the sum paid of the donee.

When the things can not be restored they shall be appraised at their value at the time of the bestowal of the gift.

SECTION 654.—The action of revocation by the subsequent birth of children shall prescribe after five years counted from the birth of the last child, from the legitimation or acknowledgement or from the time news was received of the existence of the one who was believed dead.

This action can not be renounced and is transmitted on the death of the donor to his children and to their legitimate descendants.

SECTION 655.—The gift shall be revoked at the instance of the donor if the donee has not complied with any one of the conditions imposed upon him by the former.

In such case the things bestowed as a gift shall revert to the donor, all the alienations made by the donee and the mortgages he may have placed thereon being rendered void with the limitation with regard to third parties established in the mortgage law.

SECTION 656.—A gift may also be revoked at the instance of the donor, by reason of ingratitude, in the following cases:

1. When donee commits any crime against the person, the honor, or the property of the donor.
2. When the donee charges the donor with any of

the crimes giving rise to official proceedings or public accusation, even though he proves it, unless the crime should have been committed against the donee himself, his wife, or the children under his authority.

3. When the latter improperly refuses him support.

SECTION 657.—When a gift is revoked by reason of ingratitude, the alienations and mortgages made prior to the entry of the complaint for revocation in the registry of property shall, nevertheless, be valid.

Subsequent ones shall be void.

SECTION 658.—In the case referred to in the first paragraph of the preceding section the donor shall have a right to exact from the donee the value of the properly alienated, which he can not recover from the third persons, or the amount for which they have been mortgaged.

For the appraisal of the value of such property the time the gift was bestowed shall be taken into consideration.

SECTION 659.—If the gift should be revoked for any of the reasons stated in Section 652 or for ingratitude, or when it should be reduced on account of being void, the donee shall not return the fruits, except from the date of the institution of the complaint.

If the revocation should be based on the failure to comply with any one of the conditions imposed by the gift, the donee shall, besides the property, return the fruits he may have collected after the nonfulfillment of the condition.

SECTION 660.—The action granted the donor for causes of ingratitude can not be renounced in advance. This action prescribes after one year, counted from the

time the donor had knowledge of the fact and was able to institute the action.

SECTION 661.—This action shall not be transmitted to the heirs of the donor if the latter should have been able to institute it and did not do so.

Neither can it be instituted against the heirs of the donee, unless at his death the suit had already been brought.

SECTION 662.—Gifts which, in accordance with the provisions of Section 644 may be void after computing the net value of the property of the donor at the time of his death must be reduced with regard to the excess, but this reduction shall not prevent them from being valid during the life of the donor nor the donee from appropriating the fruits.

For the reduction of gifts the provisions of this chapter and of Sections 808 and 809 of this Code shall be observed.

SECTION 663.—The reduction of gifts can be demanded only by the persons who have a right to a legal portion or to an aliquot part of the estate and their heirs or legal representatives.

The persons included in the preceding paragraph can not renounce their right during the life of the donor, neither by an express statement nor by giving their consent to the gift.

The donees, the legatees who are not to receive an aliquot part and the creditors of the deceased can not request the reduction or derive any benefit therefrom.

SECTION 664.—If there are two or more gifts, and all can not be covered by the disposable part of the estate, the latest ones shall either be canceled or reduced with regard to the excess.

TITLE III.

SUCCESSIONS

GENERAL PROVISIONS

SECTION 664 a.—Succession is the transmission of the rights and obligations of a deceased person to his heirs.

SECTION 664 b.—Succession also means the properties, rights and charges which a person leaves after his death, whether the property exceeds the charges or the charges exceed the property, or whether the said person leaves only charges and no property.

SECTION 664 c.—Succession includes not only the rights and obligations of the deceased, in the condition in which they existed at the time of his death, but it also includes the property belonging to such succession after the same is opened, and the charges and obligation inherent therein.

SECTION 664 d.—Succession also signifies the right by virtue of which an heir may take possession of the property of the deceased in accordance with law.

SECTION 665.—The rights to the succession of a person are transmitted from the moment of his death.

SECTION 666.—Succession is granted either by the will of the man as expressed in a will or, in its absence by provision of law,

The first is called testamentary, the second legal succession.

It may also be bestowed partly by will of man and partly by provision of law.

SECTION 666 a.—Testamentary succession is that which results from the institution of any heir or heirs contained in a will executed in accordance with law.

SECTION 666 b.—Legitimate or lawful succession is that which the law has established in favor of the nearest relatives of the deceased.

SECTION 666 c.—Irregular succession is that established by law in favor of certain persons or of the People of Porto Rico in the absence of legal heirs or those instituted by will.

SECTION 667.—The inheritance includes all the property, rights, and obligations of a person, which are not extinguished by his death.

SECTION 668.—An heir is a person succeeding under an universal title; and a legatee, one succeeding under a special title.

SECTION 669.—Heirs succeed the deceased in all his rights and obligations by the mere fact of his death.

CHAPTER I.

WILLS.

ARTICLE FIRST.—CAPACITY TO DEPOSE BY WILL.

SECTION 670.—All persons who are not expressly prohibited by law may make a will.

SECTION 671.—The following are disqualified to make wills:

1. Persons of either sex under 14 years of age.
2. Persons who permanently or temporarily are not of sound mind.

SECTION 672.—A will made before mental alienation is valid.

SECTION 673.—Whenever a lunatic desires to make a will during a lucid interval, the Notary shall appoint two physicians to examine him previously, and he shall not execute it unless the latter answer for the capacity of the testator, including their opinion in the will, which

shall be subscribed by the physicians besides the witnesses.

SECTION 674.—In order to judge of the capacity of the testator, his condition at the time of the execution of the will only shall be taken into consideration.

ARTICLE SECOND.—WILLS IN GENERAL.

SECTION 675.—The act by which a person disposes of all his property or of a part of it, to take effect after his death, is called a will.

SECTION 676.—The testator may dispose of his property either under title of inheritance or under that of legacy.

In case of doubt, even if the testator has not actually used the word "heir," if his will is clear on this point, his disposition shall be valid as made under a title, either universal or of inheritance.

SECTION 677.—Two or more persons can not make a will conjointly or in the same instrument, either for their reciprocal benefit or for the benefit of a third person.

SECTION 678.—A will is absolutely a personal act. The making of it, either wholly or partially, can not be left to the discretion of a third person, nor can it be made through a trustee or agent.

Neither can there be left to the discretion of a third person the continuance of the appointment of heirs or legatees, nor the designation of the portions to which they are to succeed when they are nominally instituted.

SECTION 679.—The testator may intrust to a third person the distribution of the sums he may leave in general to specified classes, such as relatives, the poor, or charitable institutions, and also the designation of

the persons or institutions to which such sums are to be applied.

SECTION 680.—Any provision relating to the institution of heirs, bequests, or legacies, made by the testator referring to private memoranda or papers which after his death may appear in his domicile or outside thereof, shall be void if such memoranda or papers do not fulfill the requisites prescribed for holographic wills.

SECTION 681.—A will executed under duress, deceit, or fraud, shall be void.

SECTION 682.—A person who, by deceit, fraud, or violence, prevents another person, of whom he is the intestate heir, from unrestrictedly executing his last will, shall be deprived of his right to the inheritance without prejudice to the criminal liability he may have incurred.

SECTION 683.—Every testamentary provision shall be understood in the literal meaning of its words, unless it clearly appears that the will of the testator was different. In case of doubt, that which appears most in accordance with the intention of the testator, according to the tenor of the same will, shall be observed.

A testator can not prohibit the contest of his will in the cases in which there exists nullity specified by law.

ARTICLE THIRD.—FORM OF WILLS.

SECTION 684. Wills may be ordinary or special.

Ordinary wills may be holographic, open, or closed.

SECTION 685.—Military and maritime wills and those executed in foreign countries are considered special.

SECTION 686.—A will is called holographic when the testator writes it in his own hand in the form and with the requisites mentioned in Section 697.

SECTION 687.—A will is open whenever the testator expresses his last will in the presence of the persons who must authenticate the act, they being informed of its provisions.

SECTION 688.—A will is closed when the testator, without revealing his last will, declares that it is contained in the instrument which he presents to the persons who are to authenticate the act.

SECTION 689.—The following can not be witnesses to wills:

- 1.—Persons under age.
- 2.—Persons who are not residents or domiciled in the place of the execution, with the exception of the cases excepted by law.
- 3.—Blind persons and those totally deaf and dumb.
- 4.—Persons who do not understand the language of the testator.
- 5.—Persons of unsound mind.
6. Persons who have been condemned for the crimes of forgery of public or private instruments, for perjury, and those suffering the penalty of civil interdiction.
7. The clerks, amanuenses, servants, or relatives within the fourth degree of consanguinity or second of affinity of the notary who authenticates the will.

SECTION 690.—Neither can the heirs and legatees named in an open will, nor the relatives of the same within the fourth degree of consanguinity or second of affinity, be witnesses thereto.

There are not included in this prohibition the legatees and their relatives when the legacy is of some personal property or of a sum of small importance compared with the amount of the estate.

SECTION 691.—In order that a witness may be de-

clared disqualified, it is necessary that the reason of his disqualification existed at the time of the execution of the will.

SECTION 692.—For the executing of a will in any other language besides Spanish or English, the presence of two interpreters shall be necessary, who shall be selected by the testator, and shall translate his provision into Spanish or English. The will shall be written in both languages, that is, the language of the testator and either English or Spanish. The same shall be understood when the will written in English is to be effective in whole or in part in Porto Rico and in cases when a will written in Spanish is to be effective in whole or in part in the United States.

SECTION 693.—The notary and two of the witnesses who authenticate the will must be acquainted with the testator, and should they not know him he shall be identified by two witnesses who are acquainted with him and are known to the notary and to the attesting witnesses. The notary and the witnesses shall also assure themselves that in their opinion the testator has the legal capacity required to make a will.

Witnesses authorizing a will without the attendance of a notary, in the case of Sections 709 and 710, are under the same obligation of being acquainted with the testator.

SECTION 694.—Should it not be possible to identify the person of the testator in the manner prescribed in the preceding section, this circumstance shall be stated by the notary or by the witnesses in a proper case, mentioning the documents which the testator may present for such purpose and given a personal description of the same.

If the will should be contested for such a cause,

the burden of proving identity of the testator is on the person supporting its validity.

SECTION 695.—Any will, in the execution of which the formalities, respectively established in this chapter, have not been observed, shall be void.

ARTICLE FOURTH.—HOLOGRAPHIC WILLS.

SECTION 696.—Holographic wills may be executed only by persons of full age.

In order that such will be valid, it shall be written in its entirety and signed by the testator, who shall state the year, month and day in which it is executed.

If it contains words erased, corrected or interlined, the testator shall make a note thereof under his signature,

SECTION 697.—Holographic wills may be executed at any place, within or outside of Porto Rico.

Foreigners may execute holographic wills in their own language.

SECTION 698.—Holographic wills shall be placed in a protocol being presented for this purpose to the District Court of the last domicil of the testator, or the Court of the District in which the said testator dies, if his death occurred in Porto Rico, within five years from the date of his death. Without this requisite being complied with it shall not be valid.

SECTION 699.—The person with whom such a will is deposited shall present the same to the District Court as soon as he hears of the death of the testator, and if he shall not do so within ten days thereafter he shall be liable for all injuries caused by delay on his part.

Any person having any interest in the will as heir, legatee, executor or for any other reason, may also present such will.

SECTION 700.—After the holographic will has been presented and the death of testator properly proven, the District Court shall proceed to the reading thereof in public and on the day and hour fixed therefor within two days at the latest, opening it if it be a sealed will, and the judges of the Court, together with the notary, shall rubricate it on all its leaves, and shall immediately proceed to prove its identity by means of three witnesses who are acquainted with the handwriting and signature of the testator and who depose that they have no reasonable doubt that the will was written and signed by the testator's own hand.

In the absence of competent witnesses, or if those examined have any doubts, and provided the District Court deems it proper, handwriting experts may be employed for the purpose of comparison.

SECTION 701.—For carrying out the proceedings mentioned in the preceding article, the surviving spouse, if there be one, the descendants and the ascendants of the testator shall be summoned as soon as possible, and in the absence thereof, his brothers and sisters.

If the said persons do not reside within the jurisdiction of the District Court, or if their existence be unknown, or if they be minors or incapacitated persons without legitimate representation, the department of public prosecutions shall be cited.

The persons cited may be present at the time such proceedings are carried out and may make at the time, verbally, such observations as they may deem proper with regard to the authenticity of the will.

SECTION 702.—If the District Court shall consider that the identity of the will has been proven, it shall order that a literal certified copy of the said doc-

ument and of the proceedings shall be issued to the persons interested therein, and such copy shall constitute a sufficient title for the recording of the real property of the inheritance, in whole or in part, in the registry of property.

Whatever the decision of the District Court may be, it shall be carried out, notwithstanding objection, but the rights of the persons interested to enforce such rights in the proper suit shall be reserved.

ARTICLE FIFTH.—OPEN WILLS.

SECTION 703.—An open will must be executed before a notary competent to act in the place of the execution and three suitable witnesses who see and understand the testator and of whom one at least knows him and can read and write. There shall be excepted from this requirement only the cases expressly specified in this same section.

SECTION 704.—The testator shall declare his last will to the notary and to the witnesses. The will when drawn in accordance with it and with the expression of the place, the year, the month, the day and the hour of its execution shall be read aloud in order that the testator may declare that it is in conformity with his intention. Both the testator and the witnesses may read the will themselves and the notary must inform him of this, his right. If the testator and the witnesses consent the will shall be signed in the act by the testator and by the others who can do it. If the testator declares that he does not know or that he cannot sign, one of the witnesses to the instrument shall do it for him at his request or another person, and the notary shall certify to that fact. The same shall be done when some of the witnesses cannot sign.

The notary shall always make it appear that in

his judgment the testator is of the legal capacity necessary to execute a will.

SECTION 705.—When the testator who proposes to make an open testament presents in writing his testamentary disposition the notary shall draw the will in accordance with the writing presented by the testator and shall read it aloud in the presence of the witnesses in order that the testator may declare if its contents is the expression of his last will. The testator and the witnesses may read the will themselves and the notary must advise them of this, their right.

SECTION 706.—A person who is absolutely deaf shall read his will himself; if he does not know how or can not do so he shall designate two persons to read it in his name, always in the presence of the witnesses and of the notary.

SECTION 707.—If the testator is blind, the will shall be read twice, once by the notary, in accordance with the provision of Section 704 and the other time in the same manner by one of the witnesses or by any other person designated by the testator.

SECTION 708.—All the formalities mentioned in this article, shall take place in a single act, and no interruption shall be allowed, except such a one as may be caused by a momentary incident.

The notary shall certify, at the end of the will, that all said formalities have been complied with and that he is acquainted with testator or with the witnesses of identification in a proper case.

SECTION 709.—If the testator is in imminent danger of death, the will may be executed before five competent witnesses without the necessity of a notary.

SECTION 710.—In case of an epidemic, the will may

also be executed without the intervention of a notary before three witnesses over sixteen years of age, male or female.

SECTION 711.—In the cases of the two foregoing sections the will shall be written when possible; otherwise the will shall be valid, even though the witnesses do not know how to write.

SECTION 712.—The will, executed in accordance with the provisions of the three preceding sections, shall be void if two months should have elapsed from the time the testator was out of danger of death or the epidemic ceased.

When the the testator dies within said period, the will shall also be void, if within three monts after his death application is not made to the court of competent jurisdiction in order that the will may be reduced to a public instrument, whether it was executed in writing or verbally.

SECTION 713.—Wills executed without the authentication of a notary shall be void if they are not afterwards reduced to a public instrument and placed in the protocol in the manner prescribed by the law of civil procedure.

SECTION 714.—When an open will is declared void by reason of non-compliance with the formalities established for each case, the notary who may have authenticated, it shall be liable for the losses and damages incurred if the fault arises from his bad faith or from inexcusable negligence or ignorance.

ARTICLE SIXTH.—CLOSED WILLS.

SECTION 715.—A closed will may be written by the testator or by any other person, at his request, on common paper, giving the place, day, month and year of its execution.

If the testator writes it in person, he shall rubricate all the sheets and affix his signature on all the sheets and affix his signature at the end, after mentioning all the words corrected, erased, or interlined.

Should another person write it, at his request, the testator shall put his full signature on all the sheets and at the foot of the will.

If the testator does not know how or can not sign another person shall do so for him and rubricate every sheet, at his request stating the cause of the testator's inability.

SECTION 716.—In the execution of a closed will, the following formalities shall be observed:

1. The paper on which the will is drafted shall be placed in a closed and sealed envelope in such a manner that the former can not be extracted without breaking the seal.

2. The testator shall appear with the will closed and sealed, or shall close and seal it at the time in the presence of the notary who is to authenticate it and of five competent witnesses, of whom three, at least, must be able to sign.

3. The testator shall declare, in the presence of the notary and of the witnesses, that the envelope he presents contains his will, stating if it is written, signed, and rubricated by him at the foot, or if written by another, and signed by him at the end and on all of its leaves or if, because he does not know how or can not sign, another persons has done it for him, at his request.

4. On the wrapper of the will, the notary shall draft the proper memorandum of its execution, specifying the number and marks of the seals with which it is closed, and certifying that the said formalities have been observed, to his acquaintance with the testator or

the indentification of his person, in the manner prescribed in Sections 693 and 694 and to the testator having, in his judgment, the necessary legal capacity to execute a will.

5. After the memorandum has been drafted and read it shall be signed by the testator and by the witnesses who know how to sign, and the notary shall authenticate it with his mark and signature.

If the testator does not know how or can not sign, one of the attesting witnesses or any other person designated by the former shall do so in his name.

6. This circumstance shall also be stated in the memorandum, as well as the place, hour, day, month, and year of the execution.

SECTION 717.—Blind persons and those who do not know how or can not read can not execute a closed will.

SECTION 718.—The deaf and dumb and those who can not speak, but who are able to write, may execute a closed will, the following being observed:

1. The will must be written entirely and signed by the testator, stating the place, day, month, and year.

2. On presenting it, the testator shall write on the outside of the envelope, in the presence of the notary and of five witnesses, that said envelope contains his will and that it is written and signed by him.

3. Immediately after what is written by the testator, the memorandum of execution shall be drafted, the notary certifying that the provisions of the foregoing number have been observed, as well as the provisions of Section 716, in so far as may be applicable to the case.

SECTION 719.—After the closed will has been authenticated, the notary shall deliver it to the testator,

after placing in the private protocol a certified copy of the memorandum of execution.

SECTION 720.—The testator may keep the closed will in his possession or intrust it to the custody of a person in whom he has confidence, or deposit it in the hands of the authenticating notary for safe-keeping in his archives.

In the last case, the notary shall give a receipt to the testator, and shall enter in his private protocol, in the margin or immediately after the copy of the memorandum of the execution, that the will remains in his possession. Should the testator subsequently withdraw it he shall sign a receipt immediately after said memorandum.

SECTION 721.—The notary or a person having in his possession a closed will shall present it to the District Court of competent jurisdiction as soon as he learns of the death of the testator.

Should he not do so within ten days, he shall be liable for the losses and damages caused by his negligence.

SECTION 722.—A person who, with malice, does not present the closed will, which may be in his possession, within the period fixed in the second paragraph of the foregoing section, shall, besides incurring the liability mentioned therein, lose all right to the inheritance, if entitled to it by reason of being an heir *ab intestato* or as a testamentary heir or legatee.

The same penalty shall be incurred by those who maliciously abstract the closed will from the residence of the testator or of the person who has it in custody or can deposit, and by those concealing, tearing, or rendering it useless in any other manner whatsoever, without prejudice to the proper criminal liability.

SECTION 723.—For the opening and placing in a protocol of a closed will the provisions of the law of civil procedure shall be observed.

SECTION 724.—A closed will, in the execution of which the formalities prescribed in this article have not been observed, shall be void, and the notary who authenticates it shall be liable for the losses and damages which may arise, if it is proven that the fault arose from malice, negligence, or inexcusable ignorance on his part. It shall be valid, however, as a holographic will, if it is written in full and signed by the testator and has furthermore the other conditions required for such wills.

ARTICLE SEVENTH.—OF A WILL MADE OUTSIDE OF PORTO RICO.

SECTION 725.—Citizens of Porto Rico may make wills abroad, according to the forms established by the laws of the country in which they are sojourning.

They may also make wills on the high seas, while on passage in a ship of the United States or foreign country, in accordance with the laws of the State or Nation to which the ship belongs.

They may also execute holographic wills, under Section 696, even in countries the laws of which do not recognize that form of will.

SECTION 726.—A mutual will prohibited by Section 677 which the citizens of Porto Rico execute in the United States or in a foreign country, shall not be valid in Porto Rico, even though the laws of the State or of the Nation where it had been executed authorize it.

ARTICLE EIGHT.—REVOCATION AND INEFFICIENCY OF WILLS.

SECTION 727.—All testamentary provisions are essentially revocable, even though the testator should

state in the will his wish or resolution not to revoke them.

All clauses annulling future provisions shall be considered as not existing, as well as those in which the testator may order that the revocation of the will should not be valid unless made with certain words or marks.

SECTION 728.—A will can not be revoked, either wholly or in part, except with the formalities required for making it.

SECTION 729.—A prior will is revoked by law by a subsequent and perfect will if the testator does not state in the latter his wish of leaving the former in force, in whole or in part.

Nevertheless, a prior will recovers its force if the testator afterwards revokes the subsequent one and expressly declare his wish that the former be valid.

SECTION 730.—The revocation shall be effective, even though the second will becomes void by reason of the incapacity of the heir or of the legatees designated therein, or by the renunciation of the former or of the latter.

SECTION 731.—The acknowledgement of an illegitimate child does not lose its legal force, even though the will in which it was made may be revoked.

SECTION 732.—A closed will found in the domicile of the testator with the cover torn, or the seals broken, or the signatures authenticating it effaced, erased, or corrected is presumed to be revoked.

This will, however, shall be valid should it be proven that this damage occurred without the wish or knowledge of the testator, or should the latter be insane; but, if the cover is found torn and the seals broken,

it shall be necessary furthermore to prove the authenticity of the will in order that it may be valid.

If the will is found in the possession of another person, it shall be understood that the damage was caused by such person, and it shall not be valid unless its authenticity is proven if the cover is torn or the seals broken; and if both are intact, but with the signatures effaced, erased, or corrected, the will shall be valid unless it be proven that the instrument was delivered in this condition by the testator himself.

SECTION 733.—Wills shall become ~~void~~ void or testamentary provisions without effect, in whole or in part, only in the cases expressly prescribed in this Code.

CHAPTER II.

INHERITANCES.

ARTICLE FIRST.—CAPACITY TO SUCCEED BY WILL OR IN THE ABSENCE THEREOF.

SECTION 734.—All persons not disqualified by law may succeed by will or in the absence thereof.

SECTION 735.—The following are disqualified to succeed:

1. Abortive infants, by such being understood those who are not included among those described in Chapter I, Title I, of book First of this Code.

2. Associations or corporations not permitted by law.

SECTION 736.—A designation made in favor of a public institution under a condition or imposing a charge thereon shall be valid only if approved by the Governor of Porto Rico.

SECTION 737.—Bequests made in favor of the poor

in general without designating the persons or the town shall be construed as limited to those of the residence of the testator at the time of his death, if it does not clearly appear that his intention has been otherwise.

The classification of the poor and the distribution of the property shall be made by the person whom the testator has appointed, in default thereof by the executors, and if the testator does not have them, by the mayor and the municipal judge of the residence of the testator.

The same thing shall be done when the testator has disposed of his property in favor of the poor of a specified place.

SECTION 738.—Every provision in favor of an unidentified person shall be void unless in some way the person may become identified.

SECTION 739.—A provision made generically in favor of the relatives of the testator is understood as made in favor of those nearest in degree.

SECTION 740.—Those bequests shall not be given effect which the testator makes during his last illness in favor of the priest or minister who has confessed him in it, or has furnished him spiritual attendance, of the blood relatives of the same within the fourth degree, or of his church, chapter, community or institutions.

SECTION 741.—Neither shall the testamentary provisions of the ward in favor of his guardian, made before the final accounts of the latter have been approved, be valid, even though the testator should die after their approval.

However, the provisions made by the ward in favor of the guardian when the latter is his or her ascen-

dant, descendant, brother, sister, or spouse shall be valid.

SECTION 742.—The testator cannot dispose of the whole or a part of his estate in favor of the notary who authenticates his will, or of the wife, relatives, or connections of the latter within the fourth degree, with the exception mentioned in Section 690.

This prohibition is applicable to the witnesses to an open will executed with or without a notary.

The provisions of this section are also applicable to the witnesses and persons before whom special wills are executed.

SECTION 743.—A testamentary provision in favor of an incapacitated person, though concealed under the form of a contract involving a valuable consideration or made in the name of a third person, shall be void.

SECTION 744.—The following are disqualified to succeed by reason of unworthiness:

1. Parents who have abandoned their children or prostituted their daughters or made attempts against their chastity.

2. He who has been sentenced in a trial for having made attempts against the life of the testator, his spouse, descendants, or ascendants.

If the offender should be an heir by force of law, he shall lose his legal portion.

3. He who has accused the testator of a crime for which the law imposes an exemplary punishment, when the accusation is declared libelous.

4. The heir of age who, knowing of the violent death of the testator, has not denounced it to the courts within a month, unless the latter had already acted *ex officio*.

This prohibition shall cease in cases in which, ac-

according to law, there is no obligation to make an accusation.

5. A person sentenced at a trial for adultery with the wife of the testator.

6. He who, by threats, fraud, or violence, forces the testator to make a will or to change it.

7. He who, by the same means, prevents another from making a will or from revoking one already made, or who forges, conceals, or changes a subsequent one.

SECTION 745.—The reasons for unworthiness shall produce no effect if the testator had knowledge thereof at the time of making the will or if, having been informed of them subsequently, has condoned the same in a public instrument.

SECTION 746.—In order to determine the qualification of the heir or legatee, the time of the death of the person whose succession is in question shall be taken into consideration.

In cases Nos. 2, 3, and 5 of Section 744, it shall be necessary to wait until the final judgment is rendered, and in No. 4 until the month fixed for the complaint has elapsed.

If the institution or legacy should be conditional, the time for the fulfillment of the condition shall, furthermore, be taken into consideration.

SECTION 747.—The heir or legatee who should die before the condition is fulfilled, even though he survives the testator, transmit no rights whatsoever to his heirs.

SECTION 748.—Any person disqualified to succeed, who in contravention of the prohibition of the preceding sections has entered into possession of the hereditary property shall be obliged to return it together with its

increases and with all the fruits and rents he may have collected.

SECTION 749.—If the person, excluded from the inheritance by reason of incapacity, should be a child or descendant of the testator and should have children or descendants the latter shall acquire his rights to the legal portion.

A person excluded shall not enjoy the usufruct and administration of the property thus inherited by his children.

SECTION 750.—No action can be instituted for a declaration of incapacity after five years have elapsed from the time the incapacitated person took possession of the inheritance or legacy.

ARTICLE SECOND.—DESIGNATION OF HEIRSHIP.

SECTION 751.—A person who has no heirs by force of law may dispose by will of all his property or part of it in favor of any person qualified to acquire it.

A person, who having heirs by force of law, may dispose of his property only in the manner and with the limitations established in Article 5 of this Chapter.

SECTION 752.—A will shall be valid, even though it does not contain the designation of an heir, or if the latter does not include all of the property, and even though the person designated does not accept the inheritance or is disqualified to inherit.

In such cases, the testamentary provisions, made in accordance with the laws, shall be complied with and the remainder of the estate shall go to the legal heirs.

SECTION 753.—The heirs designated, without a designation of shares shall inherit share and share alike.

SECTION 754.—A voluntary heir, who should die be-

fore the testator, the person disqualified to inherit and the person who renounces the inheritance, do not transmit any rights to their heirs, saving that provided in Section 749.

SECTION 755.—The statement of a false reason for the designation of an heir or for the appointment of a legatee shall be considered as not written, unless it appears from the will that the testator would not have made such designation or legacy, had he any knowledge of the falsity of such reason.

The statement of a reason contrary to law, even though true, shall also be considered as not written.

SECTION 756.—An heir to whom a certain and specified thing is left shall be considered a legatee,

SECTION 757.—When the testator appoints some heirs individually and others collectively, as when he says, "I designate as my heirs N and N, and the children of N", those collectively appointed shall be considered as individually appointed, unless it appears in a clear manner that the will of the testator was otherwise.

SECTION 758.—If the testator should designate his brothers or sisters, and he has some of full blood and others on the side of the father or mother only, the inheritance shall be divided as in cases of intestacy.

SECTION 759.—When the testator appoints to the succession a person and his children, they shall all be understood as designated simultaneously and not successively.

SECTION 760.—The testator shall designate the heir by his name and surname, and when there are two having the same names, he must state some circumstance by which the one designated may be identified.

Even though the testator may have omitted the name of the heir, should he designate him in such man-

ner that there can be no doubt as to what person has been designated, the designation shall be valid.

SECTION 761.—An error in the name, surname, or qualities of the heir shall not vitiate the designation when it may be possible, in any other manner, to know with certainty who is the person appointed.

If among persons of the same name and surname there is equality of circumstances, and the latter are such as not to permit the identification of the person who is designated, none of them shall be an heir.

ARTICLE THIRD.—SUBSTITUTION.

SECTION 762.—The testator may substitute one or more persons in the place of the heir or heirs designated in case they die before him or do not wish or can not accept the inheritance.

Simple substitution, without expressing cases, includes the three mentioned in the foregoing paragraph unless the testator has ordered otherwise.

SECTION 763.—Parents and other ascendants may appoint substitutes for their descendants under 14 years of age, of both sexes, in case they should die before said age.

SECTION 764.—The ascendant may appoint a substitute for the descendant over 14 years of age who, in accordance to law, has been declared disqualified on account of being of unsound mind.

The substitution referred in the two foregoing paragraphs shall be without effect by the will of the incapacitated person made during a lucid interval or after having recovered his reason.

SECTION 765.—The substitution referred to in the two foregoing sections, when the substitute has heirs

by force of law, shall ~~only be valid~~ in so far as they do not prejudice the legitimate rights of the latter.

SECTION 766.—Two or more persons may be substituted for a single one, or a single person for two or more heirs.

SECTION 767.—If the heirs designated in unequal portions should be substituted for each other, they shall have in the substitution the same portions as in the designation, unless it clearly appears that the will of the testator was otherwise.

SECTION 768.—The substitute shall be subject to the same charges and conditions as imposed upon the person designated, unless the testator has expressly disposed to the contrary, or when the charges or conditions are merely personal regard to the heir designated.

SECTION 769.—Substitutions in trust, by virtue of which the heir is entrusted with preserving and transmitting to a third person the whole or part of the inheritance, shall be valid and effective, provided they do not go beyond the second degree, or that they are made in favor of persons living at the time of the death of the testator.

SECTION 770.—Substitutions in trust can never impair the legal portion. Should they fall upon the third destined in betterment, they can be made in favor of the descendants only.

SECTION 771.—In order that appointments to substitutions in trust may be valid they must be expressly made.

A fiduciary is bound to deliver the inheritance to the *cestui que trust* without any other deductions than those arising from legitimate expenses, credits, and improvements, except in case the testator has disposed otherwise.

SECTION 772.—The *cestui que trust* shall acquire the right to the succession from the time of the death of the testator, even though he dies before the fiduciary. The right of the former shall pass to his heirs.

SECTION 773.—The following shall produce no effect:

- 1 Substitutions in trust not made in an express manner, either by giving them this name or by imposing upon the substitute the absolute obligation of delivering the property to a second heir.

2. Provisions containing perpetual prohibitions to alienate, and even a temporary one, not within the limits fixed in Section 769.

3. Those imposing upon the heir the charge of paying a certain income or pension to several persons successively beyond the second degree.

4. Those, the object of which is to leave to a person the whole or part of the inheritance in order that he may apply or invest it, according to secret instructions given him by the testator.

SECTION 774.—The nullity of a substitution in trust shall not prejudice the validity of the designation nor the heirs first designated; the *cestui que trust* clause shall simply be considered as not written.

SECTION 775 —The provision by which the testator leaves the whole or a part of the inheritance to a person and the usufruct to another shall be valid. If several persons are designated to enjoy the usufruct, not simultaneously, but successively, the provisions of Section 769 shall be observe.

SECTION 776.—A provision imposing upon an heir the obligation of periodically investing specified sums in charitable works, as dowries for poor maidens, pensions for students, or in favor of the poor, or for any

charitable institution, or of public instruction, shall be valid under the following conditions:

If the charge is imposed on real property and is temporary, the heir or heirs may dispose of the encumbered estate, the lien not being removed until its record is canceled.

If the charge is perpetual, the heir may capitalize it and invest the capital at interest in a first and sufficient mortgage.

The funding and investment of the principal shall be made with the intervention of the Governor of Porto Rico, and after hearing the Attorney General.

In any case, if the testator should not have established an order for the administration and application of the legacy for charity, the proper administrative authority, according to law, shall do it.

SECTION 777.—All that is prescribed in this Chapter with regard to heirs shall also be applicable to legatees.

ARTICLE FOURTH.—DESIGNATION OF HEIRS; AND CONDITIONAL LEGACIES OR FOR A TERM.

SECTION 778.—Testamentary provisions, either by universal or special title, may be made conditionally.

SECTION 779.—The conditions imposed upon heirs and legatees shall be governed by the rules established for conditional obligations in all that is not prescribed in this Article.

SECTION 780.—Impossible conditions and those contrary to law and good morals shall be considered as not imposed and shall not prejudice the heir or legatee in any manner whatsoever, even when the testator disposes otherwise.

SECTION 781.—The absolute condition of not contracting a first or subsequent marriage shall be con-

sidered as not imposed, unless such condition has been imposed on the widower or widow by the deceased spouse, or by the ascendants or descendants of the same.

Nevertheless, usufruct, use, or occupancy, or a pension or personal services may be bequeathed to a person for the time during which he or she remains unmarried or widowed.

SECTION 782.—A provision made under the condition that the heir or legatee shall make in his will some provision in favor of the testator or of another person shall be void.

SECTION 783.—A purely compulsory condition imposed upon the heir or legatee must be fulfilled by him when, after the death of the testator, he is informed thereof.

The case is excepted in which the condition has already been fulfilled and therefore can not be carried out anew.

SECTION 784.—When the condition is casual or mixed, it shall be sufficient if it be fulfilled or complied with at any time during the life or after the death of the testator, unless he has ordered otherwise.

Should it have existed or should it have been fulfilled at the time of the execution of the will and the testator did not know it, it shall be considered as fulfilled.

If he had knowledge thereof, it shall be considered as fulfilled only when of such nature that it can no longer exist or be carried out anew.

SECTION 785.—The statement of the object of the designation or of the legacy or the application to be given to what has been left by the testator, or the charge imposed by the same, shall not be considered as a condition, unless it appears that such was his will.

What has been left in this manner may be immediately claimed and is transmissible to the heirs who may secure the fulfillment of the orders of the testator and the repayment of what they may have received, with its fruits and interest, should they fail to comply with this obligation.

SECTION 786.—If, without the fault or a personal act of the heir or legatee, the designation or the legacy referred to in the foregoing section can not be complied with in the exact terms ordered by the testator, it shall be fulfilled in a manner as nearly analogous and in conformity with his will as possible.

When the person interested in its fulfillment or non-fulfillment should prevent its compliance without fault or a personal act of the heir or legatee, the condition shall be considered as fulfilled.

SECTION 787.—Conditions precedent do not prevent the heir or legatee from acquiring their respective rights and transmitting them to their heirs, even before their fulfillment.

SECTION 788.—If the compulsory condition imposed upon the heir or legatee is a negative one, or of not giving or not doing something, they shall fulfill it by giving security that they will not do or give what was prohibited by the testator, and that in case of contravention they will return what they may have received with its fruits and interest.

SECTION 789.—If the heir is designated under a condition precedent, the estate shall be placed in administration until the condition is complied with or until there is a certainty that it can not be fulfilled.

The same shall be done when the heir or legatee should not give the security, in the case of the foregoing section.

SECTION 790.—The administration referred to in the foregoing section shall be intrusted to the heir or heirs unconditionally designated, when among them and the conditional heir there exists the right of accretion. The same shall be understood with regard to legatees.

SECTION 791.—If the conditional heir has no coheirs, or, having them, there does not exist the right of accretion among them, the former shall take charge of the administration upon giving security.

Should he not give it, the administration shall be conferred upon the presumptive heir, also giving security; and should neither of them give security, the court shall appoint a third person to take charge of it, also giving security, which shall be given with the intervention of the heir.

SECTION 792.—These administrators shall have the same rights and obligations as administrators of the property of an absentee.

SECTION 793.—A statement of the day or time when the effect of the designation of heir or legatee shall begin or cease shall be valid.

In either case the legal successor shall be considered as designated until the period fixed arrives or expires. But in the first cases the latter shall not enter into possession of the property until after having given sufficient security with the intervention of the heir designated.

ARTICLE FIFTH. —LEGAL PORTIONS.

SECTION 794.—A legal portion is that part of the property which the testator cannot dispose of because the law has reserved it for specified heirs, called, on that account, heirs by force of law.

SECTION 795.—The following are heirs at law:

1.—Children and legitimate issue with respect to their fathers and lawful ancestors.

2.—Acknowledged illegitimate children with respect to their fathers and natural ancestors, and with respect to the lawful ancestors when there are no legitimate issue.

3.—In the absence of the former, fathers and lawful ancestors with respect to their children and legitimate issue.

4.—The parents of the acknowledged illegitimate child in respect to him and his natural issue and in respect to the lawful issue when there are no lawful ancestors.

5.—The surviving husband or wife in the form established by this Code.

SECTION 796.—The lawful portion of children and their legitimate issue, of acknowledged, illegitimate children and of their issue is the two-thirds parts of the hereditary property of the father and of the mother.

Provided, however, that the father and the mother may dispose of one part of the two which forms the lawful portion for the purpose of applying it as a bequest to their children and issue.

The third part shall be subject to free disposal.

SECTION 797.—The lawful portion of parents of ancestors, whether lawful, or unlawful when acknowledged, and their issue is the half of the hereditary property of the sons and the issue. Of the other half the latter may dispose freely under the restrictions established in this Code.

SECTION 798.—The legal portion reserved to the parents shall be divided between both equally; if one of the parents should have died, the surviving one shall receive the whole.

If the testator leaves neither a father nor a mother but ascendants in the same degree on the paternal or maternal side, the estate shall be divided equally between both lines. If the ascendants should be of a different degree, it shall wholly belong to the nearest ones of either line.

SECTION 799.—The ascendant who inherits property from his descendant, acquired by the latter for a good consideration from another descendant or from a brother or sister, is obliged to reserve the property he may have acquired by force of law in favor of the relatives within the third degree belonging to the line from which such property originated.

SECTION 800.—Ascendants succeed, to the exclusion of all other persons, to things given by them to their children or descendants who died without issue when the very objects donated are included in the inheritance. Should they have been alienated, they shall succeed to all the actions which the donee may have with regard to them, and to the value should they have been sold, or to the property by which they were substituted if they were bartered or exchanged.

SECTION 801.—Testators shall not deprive the heirs of their lawful share except in cases provided by law.

Neither shall he have the power to impose upon it incumbrance nor condition nor substitution of any kind.

SECTION 802.—The omission of any or of all the lawful heirs in the right line whether they be living at the time of the execution of the will or whether they are born after the death of the testator shall annul the institution of an heir, but trusts and betterments shall be valid whenever they are not contrary to good conscience (*inoficiosas*).

The omission of the surviving husband or wife

does not annul the nomination (of the heir), but the omitted party shall preserve the rights which this Code gives to him. If the omitted lawful heir shall die before the testator the nomination of an heir shall have effect.

SECTION 803.—The heir by force of law to whom the testator has left, for any reason whatsoever, less than the legal portion due him may demand the fulfillment thereof.

SECTION 804.—All renunciations or compromises with regard to a future legal portion between the persons owing it and their heirs by force of law are void, and the latter may claim it upon the death of the former; but they must bring into the collation whatever they may have received by reason of the renunciation or compromise.

SECTION 805.—Testamentary provisions impairing the legal portion of heirs by force of law shall be reduced on petition of the same in so far as they are illegal or excessive.

SECTION 806.—In order to determine the legal portion, the value of the property remaining on the death of the testator, after deducting all debts and charges, without including therein those imposed in the will, shall be taken into consideration.

To the net value of the hereditary estate shall be added the value of all the collationable gifts bestowed by the said testator at the time they were made.

SECTION 807.—Gifts made to children which are not betterments shall be considered as part of their legal portion.

Gifts made to strangers shall be charged to the free part of which the testator may have been able to dispose by his last will.

In so far as they be illegal or exceed the portion which can be disposed of, they shall be reduced according to the rules of the following sections.

SECTION 808.—After the legal portion has been fixed in accordance with the two foregoing sections the reduction shall be made as follows:

1. Gifts shall be respected in so far as the legal portion can be covered, reducing or annulling, if necessary, the legacies made in the will.

2.—The reductions of the latter shall be made pro rata, without any distinction whatsoever.

If the testator has ordered that a certain legacy be paid in preference to others, the former shall not suffer any reduction, until after the latter have been applied in full to the payment of the legal portion.

3.—If the legacy consists of a usufruct or life annuity, the value of which may be considered greater than that of the portion which can be disposed of, the heirs by force of law may choose between complying with the testamentary provision or delivering to the legatee the part of the inheritance of which the testator could freely dispose.

SECTION 809.—If the legacy subject to reduction should consist of an estate which can not be well divided, it shall go to the legatee, if the reduction does not absorb one-half of its value, and otherwise, to the heirs by force of law; but one shall pay the other what may be due them in cash.

A legatee having a right to a legal portion may retain the entire estate, provided its value does not exceed the amount of the portion which can be disposed of and the share pertaining to him by way of legal portion.

SECTION 810.—If the heirs or legatees do not wish to make use of the rights granted them in the foregoing

section, any of them who did not have such right may exercise it; should he not wish to do so, the estate shall be sold at public auction at the instance of any of the persons interested.

ARTICLE SIXTH.—BETTERMENTS (MEJORAS).

SECTION 811.—No other incumbrances can be imposed upon the betterment than those which may be established in favor of the heirs by force of law or their descendants.

SECTION 812.—No gift by contract *inter vivos* whether it be naked or for a consideration in favor of children or issue who are lawful heirs or in favor of the spouse shall be considered as a betterment if the donor has not declared in an express manner his intention to increase the lawful portion.

SECTION 813.—The promise to give or not to give a betterment made in a public instrument of a marriage agreement shall be valid.

Any provision of the testator in contravention of the promise shall not have any effect.

SECTION 814.—The betterment, even if made with the delivery of the property, shall be revocable, unless it has been made in a marriage agreement or by a contract involving a valuable consideration made with a third person.

SECTION 815.—A trust or legacy made by the testator to one of the children or issue or to his spouse shall not be considered as a betterment except when the testator has expressly declared such to be his intention, or when it may not belong in the free third.

SECTION 816.—A betterment may be given in a specified thing. If its value exceeds the third destined to the betterment and the share of the legal portion cor-

responding to the person who receives the betterment the latter must pay the difference in cash to the other persons interested.

SECTION 817.—The authority to give betterments can not be delegated to a third person.

SECTION 818.—Notwithstanding the provisions of the foregoing section, in marriage agreements it shall be valid to stipulate that if one of the spouses dies intestate, the widower or widow, who has not contracted a new marriage, may distribute, according to his or her prudent judgment, the property of the deceased, and give betterments in the same to the children in common without prejudice to the legal portions and to the betterments given by the deceased while alive.

SECTION 819.—If the betterment should not have been granted in a specified thing it shall be paid out of the property of the inheritance, there being observed, in so far as possible, the rules established by Sections 1028 and 1029 in order to procure equality of the heirs in the distribution of the property.

SECTION 820.—The legitimate child or descendant receiving a betterment may renounce the inheritance and accept the betterment.

ARTICLE SEVENTH.—RIGHTS OF THE SURVIVING SPOUSE.

SECTION 821.—The surviving husband or wife shall have the right if the decedent shall leave a legitimate child or an acknowledged illegitimate child or issue of these to one-half of the real and personal property of which the inheritance consists.

If the deceased spouse shall have left more than one child living or represented by his issue if any of them had died the surviving spouse shall have the right only to the third part of the real and personal property of which the inheritance consists.

When there is no issue, but if there are ancestors, the surviving spouse shall have the right to the half of the real and personal property of the inheritance.

When there is neither surviving issue nor ancestors the surviving spouse shall have the right to two-thirds of the real and personal property of the inheritance.

SECTION 822.—Where there is a will the surviving husband or wife shall have the right to one-half of the personal property in full and absolute ownership, and to a life estate in one-third of the real property.

SECTION 823.—In case of a second or subsequent marriage the children of the first or previous marriage shall inherit exclusively the property which their father or mother shall have left at death, which came from the other spouse, father or mother, who may have transmitted it in accordance with the provisions of the foregoing section.

ARTICLE EIGHTH.—OF THE RIGHTS OF ILLEGITIMATE CHILDREN WHO HAVE NOT BEEN ACKNOWLEDGED.

SECTION 824.—Unacknowledged illegitimate children shall have the right to the provisions for their support indicated in Section 193. The obligation of the party charged with their support shall descend upon his heirs.

ARTICLE NINTH.—DISINHERITANCE.

SECTION 825.—Disinheritance can only take place for one of the reasons expressly fixed by law.

SECTION 826.—Disinheritance can only be made in a will mentioning therein the legal reason on which it is based.

SECTION 827.—The proof of the truth of the reason for disinheritance shall be established by the heirs of

the testator should the disinherited person deny it.

SECTION 828.—Disinheritance made without a statement of the reason, or for a reason the truth of which, if contradicted, should not be proven or which should not be one of those mentioned in the four following sections, shall annul the designation of heirship in so far as it prejudices the person disinherited, but the legacies, betterments, and other testamentary provisions, in so far as they do not prejudice said legal portion, shall be valid.

SECTION 829.—Sufficient causes for disinheritance are, in the respective cases, those of disqualification to succeed by reason of unworthiness, mentioned in Nos. 1, 2, 3, 4, 5, and 6 of Section 744.

SECTION 830.—The following shall also be just causes for disinheriting children and issue in addition to those indicated in Section 744 with the numbers 2, 3, 4, 5 and 6:

1.—To have refused without lawful reason, support to the father or ancestor that disinherits him.

2.—To have abused him by acts or grievously by words.

3.—To have delivered over a daughter or grand daughter to prostitution.

4.—To have been condemned for a crime that carries with it civil interdiction.

5.—Where the son has accused the father or the mother of any crime unless it shall be that of high treason.

6.—When the son has refused to give a bail bond for his father or mother for their release from jail, when he can do it.

7.—For the son or the daughter to have contracted marriage without the consent or advice of the father

or mother in the cases established in Article First, Chapter III, Title V of the First book of this Code.

8.—That the child or descendant has been careless in taking under his care the testator when the latter finds himself sick.

SECTION 831.—The following shall be just causes for disinheriting fathers and ancestors in addition to those indicated in Section 744, with the numbers 1, 2, 3, 5, and 6:

1.—To have lost the paternal power.

2.—To have refused support to his children or descendants without legal reason.

3.—For the father, mother or ancestor to have accused the child or descendant of capital crime except the crime of high treason.

4.—For the father, mother or ancestor to have been careless in taking under his care the child or issue who finds himself sick.

5.—To have refused to furnish bail for the release of the child or issue from jail when it could be done.

6.—For one of the parents to have attempted the life of the other in which case the child or issue shall have the right to disinherit the one of the two spouses who has committed the attempt.

SECTION 832.—The following shall be just causes to disinherit the spouse in addition to those indicated in Section 744, with the numbers 2, 3 and 6:

1.—Those that afford ground for divorce.

2.—Those that afford ground for the loss of the paternal power.

3.—To have refused support to the children or to the other spouse.

4.—To have made an attempt upon the life of the testator if there has been no reconciliation.

In order that the causes which afford ground for divorce may not also afford ground for disinheritance it is necessary that the spouses shall not live under the same roof.

SECTION 833.—A subsequent reconciliation of the offender with the offended deprives the latter of the right to disinherit and renders a disinheritance already made without effect.

ARTICLE TENTH.—LEGACIES AND BEQUESTS.

SECTION 834.—A testator may charge with legacies and bequests, not only his heir, but also the legatees.

The latter shall not be liable for the charge only to the extent of the value of the legacy.

SECTION 835.—When the testator charges one of the heirs with a legacy the latter only shall be obliged to fulfill the same.

Should he not charge any one in particular, all shall be liable, in the same proportion in which they may be heirs.

SECTION 836.—The person who is obliged to deliver the legacy shall be liable, in case of eviction, if the thing is undetermined and is designated only in class or kind.

SECTION 837.—The legacy of another's property, when the testator knew at the time of bequeathing it that it was not his, is valid. The heir is obliged to acquire it for delivery to the legatee; and should it not be possible for him to do so to pay the latter its just value.

The proof that the testator knew that the thing was another's lies with the legatee.

SECTION 838.—If the testator did not know that the thing bequeathed was another's the legacy shall be void.

But it shall be valid should he acquire it after the execution of the will.

SECTION 839.—A legacy of things which are not marketable is void.

SECTION 840.—The legacy of a thing, which at the time of the execution of the will already belonged to the legatee, even though another person has some right thereto, shall not have any effect.

If the testator expressly orders that the thing should be freed from this right or charge the legacy shall be valid in that respect.

SECTION 841.—Whenever the testator shall bequeath a thing employed or mortgaged as a security for some collectible debt the payment of the debt shall be charged upon the legatee unless the testator shall direct that the heir redeem it from the obligation. In this last case if the legatee should pay the debt through the default of the heir he shall be subrogated in the place and the rights of the creditor against the heir.

Any charge perpetual or temporary to which the thing bequeathed is subject passes with the thing to the legatee, but in both cases the rents and the interest and the profits due at the death of the testator are a charge on the estate.

SECTION 842.—If the thing bequeathed should be subject to usufruct, use, or occupancy, the legatee must respect said rights until they are legally extinguished.

SECTION 843.—The legacy shall have no effect:

1. If the testator changes the thing bequeathed in such manner that it does not retain either the form or the denomination it previously had.

2. If the testator alienates for any consideration or reason whatsoever, the thing bequeathed or a part thereof, it being understood, in the latter case, that the

bequest is without effect only with regard to the part alienated. If, after the alienation, the thing should revert to the ownership of the testator, even though it were by reason of the nullity of the contract, the bequest shall not be valid, after such fact, excepting the case in which the reacquisition takes place on account of an agreement of resale.

3. If the thing bequeathed is entirely lost during the life of the testator or after his death, without the fault of the heir. Nevertheless, the person obliged to pay the legacy shall be liable for the eviction, if the thing bequeathed should not have been determined in kind in accordance with the provisions of Section 836.

SECTION 844.—The legacy of a credit against a third person or of a release or waiver of a debt of the legatee shall be valid only with regard to that part of the credit or debt existing at the time of the death of the testator.

In the first case, the heir shall perform by assigning to the legatee all the actions he may have against the debtor.

In the second, by giving the legatee a receipt, should he request one.

In both cases the legacy shall include the interest which may be due the testator at the time of his death on the credit or debt.

SECTION 845.—The legacy referred to in the foregoing section is void if the testator, after having made it, should sue the debtor for the payment of his debt, even if said payment should not have been made at the time of the death.

Only the right of pledge is waived by the legacy made to the debtor of a thing pledged.

SECTION 846.—The generic legacy of waiver or re-

lease of debts includes those existing at the time of the execution of the will, and not subsequent ones.

SECTION 847.—A legacy made to a creditor shall not be considered as a payment of his credit, unless the testator should so expressly declare.

In such case, the creditor shall have a right to collect the excess of the credit or of the legacy.

SECTION 848.—In alternative legacies the provisions for obligations of the same kind shall be observed, excepting the modifications arising from the express will of the testator.

SECTION 849.—A legacy of generic personal property shall be valid even though there may not be things of the same kind in the estate.

The heir shall have the right of option, and shall perform by giving a thing which may not be either of inferior or superior quality.

SECTION 850.—Whenever the testator expressly leaves an option to the heir or to the legatee, the former may give or the latter may select what he may consider best.

SECTION 851.—If the heir or legatee can not make the choice, in case it has been granted him, his right shall pass to the heirs; but a choice once made shall be irrevocable.

SECTION 852.—If the thing bequeathed belonged to the legatee at the date of the will the legacy shall be void, even though it may have been alienated subsequently.

If the legatee has acquired it for a good consideration after said date he can claim nothing for it; but if it should have been acquired for a valuable consideration, he may demand of the heir an indemnity for what he may have given to acquire it.

SECTION 853.—A legacy for education lasts until the legatee is of age.

That for support lasts during the life of the legatee, if the testator does not dispose otherwise.

If the testator has not fixed any sum for said legacies, it shall be fixed in accordance with the position and condition of the legatee and the amount of the inheritance.

If the testator was, during his life, in the habit of giving the legatee a certain sum of money or other things by way of support, the same amount shall be considered as bequeathed unless it is greatly disproportionate with the amount of the estate.

SECTION 854.—If a periodical pension, or a fixed annual, monthly, or weekly sum is bequeathed, the legatee may demand the first payment upon the death of the testator, and the following ones at the beginning of each period, without any right of reimbursement, even though the legatee should die before the expiration of the period begun.

SECTION 855.—A legatee acquires a right to the pure and simple legacies from the death of the testator, and transmits it to his heirs.

SECTION 856.—If the legacy is of a specific and determined thing, belonging to the testator, the legatee acquires the ownership thereof from the death of the former, as well as the fruits or income due, but not those due and unpaid before said death.

The thing bequeathed shall, from the same instant, be at the risk of the legatee who, therefore, shall bear its loss or impairment, as well as being benefited by its increase or improvement.

SECTION 857.—The thing bequeathed shall be deli-

vered, with all its accessories and in the condition in which it may have been on the death of the testator.

SECTION 858.—If the bequest should not be of a specific and determined thing, but generic or of quantity, its fruits and interest from the death of the testator shall belong to the legatee if the testator should have expressly so ordered.

SECTION 859.—The legatee can not take possession of the thing bequeathed of his own authority, but must request its delivery and possession of the heir or of the executor, when the latter should be authorized to give it.

SECTION 860.—The heir shall deliver the thing bequeathed if he is able to do so, and does not perform by paying its value.

Legacies in cash must be paid in specie, even though there be none in the estate.

The necessary expenses for the delivery of the thing bequeathed shall be for the account of the estate but without prejudice to the legal portion.

SECTION 861.—If the assets of the estate should not be sufficient to cover all the legacies, their payment shall be made in the following order:

- 1.—Remunerative legacies.
- 2.—Legacies of specified and determined things forming a part of the estate.
- 3.—Legacies which may have been declared by the testator as preferred.
- 4.—Those for support.
- 5.—Those for education.
- 6.—All others pro rata.

SECTION 862.—If the legatee can not or should not wish to accept the bequest, or said bequest for any reason should not be valid, it shall be merged into the

whole of the estate, excepting cases of substitution and rights of accretion.

SECTION 863.—The legatee can not accept a part of the legacy and repudiate the other part, should the latter be onerous to him.

Should he die before accepting the legacy, leaving several heirs, one of them may accept and another repudiate the part pertaining to him in the legacy.

SECTION 864.—The legatee of two legacies, one of which is onerous, can not renounce the latter and accept the former. If both are either onerous or gratuitous, he is free to accept all of them or repudiate the one he wishes.

The heir who is at the same time a legatee may renounce the inheritance and accept the legacy; or renounce the latter and accept the former.

SECTION 865.—If the entire estate is distributed in legacies, the debts and charges of the same shall be charged to the legatees, *pro rata*, in proportion to their shares, unless the testator should have provided otherwise.

ARTICLE ELEVENTH.—EXECUTORS.

SECTION 866.—A testator may appoint one or more executor.

SECTION 867.—No one without the capacity to enter into a contract can be an executor (*albacea*).

A minor cannot be an executor even with the authorization of his father or of his guardian.

SECTION 868.—Executors may be universal or special.

In any case executors may be appointed either severally, successively, or jointly.

SECTION 869.—Should the executors be appointed

severally, only those acts performed by all of them together, or by one of them legally authorized by the others, shall be valid; and, in case of disagreement, when the act has been agreed to by the majority.

SECTION 870.—In cases of extreme urgency, one of the several executors may, under his personal liability, perform the acts which may be necessary, giving notice thereof immediately to the others.

SECTION 871.—If the testator should not clearly establish the appointment of joint executors nor determine the order in which they are to discharge their duties, it shall be understood that they have been appointed severally, and they shall discharge their duties in the manner prescribed in the two foregoing sections.

SECTION 872.—Executorship is a voluntary office, and it shall be understood as accepted by the person appointed thereto should he not excuse himself within six days following that on which he has received notice of his appointment, or if he was already aware thereof, during the six days following that on which he had knowledge of the death of the testator.

SECTION 873.—An executor who accepts this office is bound to act; but he may renounce it, alleging a cause which is sufficient in the sound discretion of the District Court.

SECTION 874.—The executor who does not accept the office, or renounces it without sufficient cause, shall lose what the testator may have left him, excepting always his right to the legal portion.

SECTION 875.—Executors of wills shall have all the powers expressly conferred upon them by the testator and which are not contrary to law.

SECTION 876.—Should the testator not have specially

determined the powers of the executors they shall have the following:

1.—To dispose and pay the suffrages and funeral expenses of the testator in accordance with the provisions made by him in his will and, in their absence, according to the customs of the town.

2.—To pay, with the knowledge and consent of the heir, the cash legacies.

3.—To carefully see to the execution of the other provisions of the will and maintain, when just, its validity in and out of court.

4.—To take the necessary precautions for the preservation and custody of the property, with the intervention of the heirs who may be present.

SECTION 877.—Should there not be in the estate cash enough for the payment of the funeral expenses and legacies, and the heirs should not contribute from their own funds thereto, the executors shall sell the personal property; and should the proceeds therefrom not be sufficient, the real property shall be sold, with the intervention of the heirs.

If a minor, absentee, corporation, or public institution should have any interest in the estate, the sale of the property shall take place with the formalities prescribed by law for such cases.

SECTION 878.—The executor for whom the testator has not fixed a term must fulfill his office within a year, counted from his acceptance or from the conclusion of the litigation which may have been instituted with regard to the validity or nullity of the will or of any one of its provisions.

SECTION 879.—Should the testator desire to extend the legal term, he must expressly fix the time of the

extension. Should he not have fixed it, it shall be understood that the term is extended for one year.

If after the expiration of this extension the will of the testator should not yet have been complied with, the District Court may grant another term for the time which may be necessary, in view of the circumstances of the case.

SECTION 880.—The heirs and legatees may, by common consent, extend the term of the executorship for the time they may consider necessary; but if the agreement is only that of a majority the extension can not exceed one year.

SECTION 881.—The executors shall submit an account of their administration to the heirs.

Should they have been appointed, not in order to deliver the property to determined heirs, but to invest or distribute the same in the manner ordered by the testator in the cases allowed by law, they shall submit their accounts to the District Court having jurisdiction.

Any provision of the testator in contravention of this section shall be void.

SECTION 882.—Executorship is a gratuitous office. The testator, nevertheless, may assign the executors the remuneration he may consider proper; all without prejudice to the right they may have to collect what may be proper for their work in the division, or for any other professional services.

If the testator bequeathes or designates jointly any remuneration for the executors, the shares of those who do not accept the office shall accrue to those who may discharge it.

SECTION 883.—An executor can not delegate the

office unless he has express authority therefor from the testator.

SECTION 884.—Executorship terminates by the death incapacity, renunciation, or removal of the executor, and by the lapse of the term fixed by the testator, by law, and, in a proper case, by the persons interested.

SECTION 885.—In the cases of the foregoing section, and in case the executor has not accepted the office, the execution of the will of the testator shall devolve upon the heirs,

CHAPTER III.

INTESTATE SUCCESSION.

ARTICLE FIRST.—GENERAL PROVISIONS.

SECTION 886.—Legitimate succession takes place:

1. If a person dies without a will, or with a void will, or which may have lost its validity subsequently.
2. When the will does not contain the designation of heirship to all or part of the property, or does not dispose of all that belongs to the testator. In such case legitimate succession shall take place only with regard to the property of which the testator has not disposed.
3. When the condition imposed for the designation of heirship is lacking, or if the heir dies before the testator, or repudiates the inheritance, without having a substitute, and there being no right of accretion.
4. When the heir designated is disqualified to succeed.

SECTION 887.—In the absence of the testamentary heirs, the law gives the inheritance, according to the rules hereafter set forth, to the legitimate and natural relatives of the deceased, to the widower or widow, and to the people of Porto Rico.

SECTION 888.—The provisions relating to disqualification to succeed by will are also applicable to intestate successions.

ARTICLE SECOND,—RELATIONSHIP.

SECTION 889.—The nearness of relationship is determined by the number of generations. Each generation forms one degree.

SECTION 890.—A series of degrees forms the line, which may be direct or collateral.

A direct line is one constituted by a series of degrees among persons descending one from the other.

A collateral line is that constituted by a series of degrees among persons not descending one from the other, but proceeding from a common trunk.

SECTION 891.—The direct line is either descending or ascending.

The former joins the head of the family with those descending from him.

The latter joins a person with those from whom he descends.

SECTION 892.—In the lines as many degrees are counted as there are generations or persons, deducting the progenitor.

In the direct line the ascent is made only to the trunk. Thus the son is one degree removed from the father, two from the grandfather, and three from the great-grandfather.

In the collateral line, the ascent is made up to the common trunk, and then a descent to the person with whom the computation is made. Therefore the brother is two degrees removed from the brother, three from the uncle, brother of his father or mother, four from the first cousins, and so forth.

SECTION 893.—The computation of which the foregoing section treats governs without exception in all matters.

SECTION 894.—Whole blood relationship is the relation in the father's and mothers's line at the same time.

SECTION 895.—In inheritances the relative nearest in degree excludes the most remote excepting the right of representation in proper cases.

Relatives who are in the same degree shall inherit in equal shares, with the exception of what is provided in Section 917 with regard to whole blood relationships.

SECTION 896.—Should there be several relatives in the same degree and one or more of them should not wish to or could not succeed, his portion shall accrue to the others of the same degree, reserving the right of representation in a proper case.

SECTION 897.—If the inheritance is repudiated by the nearest relative should there be one only, or by all the nearest relatives, designated by law, should there be several, those of the following degree shall inherit in their own right, without being able to represent those repudiating the inheritance.

ARTICLE THIRD.—REPRESENTATION.

SECTION 898.—The right which all the relatives of a person have to succeed him in all the rights which he would have if alive, or which he might have inherited is called the right of representation.

SECTION 899.—The right of representation shall always take place in the direct descending line, but never in the ascending.

In the collateral line it shall take place only in favor of the children of brothers or sisters, whether they be of the whole or half blood.

SECTION 900.—Whenever the inheritance is taken by representation, the division of the estate shall be made *per stirpes*; thus the representative or representatives do not inherit any more than that which the person they represent would inherit if alive.

SECTION 901.—When children of one or more brothers or sisters of the deceased survive, they shall succeed the latter by representation, if uncles also survive. But if they alone survive they shall inherit in equal shares.

SECTION 902.—The right of representing a person is not lost by the renunciation of the inheritance.

SECTION 903.—A living person can not be represented except in cases of disinheritance or incapacity.

CHAPTER IV.

ORDER OF SUCCESSION ACCORDING TO DIVERSITY OF LINES.

ARTICLE FIRST.—DESCENDING DIRECT LINE.

SECTION 904.—Succession pertains, in the first place, to the descending direct line.

SECTION 905.—Legitimate and acknowledged illegitimate children and their issue succeed to their fathers and other ancestors without distinction of sex or age, and even though they proceed from different marriages.

SECTION 906.—The children of the deceased shall always inherit from him in their own right, dividing the inheritance in equal shares.

SECTION 907.—The grandchildren and other descendants shall inherit by right of representation, and if one of them should die, leaving several heirs, the portion pertaining to him shall be divided among the latter in equal parts.

SECTION 908.—Should any children and descendants

of other deceased children survive, the former shall inherit in their own right, and the latter by right of representation.

ARTICLE SECOND.—ASCENDING DIRECT LINE.

SECTION 909.—In default of lawful or acknowledged illegitimate issue and their issue, ancestors shall inherit from the decedent to the exclusion of collaterals.

SECTION 910.—The illegitimate father and the illegitimate mother if there be any shall inherit in equal portions. In case there be only one he or she shall succeed to the child in the property of the inheritance.

SECTION 911.—In default of father and mother the lawful ancestors nearest in degree shall succeed or natural parents with respect to the illegitimate child recognized by the father or the mother in whose place the ancestor is put by the right of succession.

If there have been different ancestors of the same degree belonging to the same line, the inheritance shall be divided according to the number of ancestors (per capita). If they be of different lines, but of equal degree one half shall go to the paternal ancestors and the other half to the maternal ancestors. In each line, the division shall be made according to the number of ancestors (per capita).

SECTION 912.—The provisions of the two preceding sections are understood without prejudice to what is prescribed in Sections 799 and 800 which is applicable to intestate as well as testamentary successions.

ARTICLE THIRD.—OF ACKNOWLEDGED ILLEGITIMATE CHILDREN.

SECTION 913.—Acknowledged illegitimate children and their issue shall have the same rights of inheritance as lawful children and their issue, and in the form provided in the preceding sections both to inherit in

their own right and by the right of representation. Nevertheless, an illegitimate child and his issue shall not have the right to inherit in the absence of a will from the legitimate children and issue and legitimate collaterals of the father or mother who has acknowledged them, nor may they inherit from an illegitimate child and his issue.

Parents with respect to the acknowledged illegitimate child and his issue shall have the same rights of inheritance as lawful parents in case of the intestacy of their children and lawful issue.

ARTICLE FOURTH.—SUCCESSIONS OF COLLATERALS AND OF SPOUSES.

SECTION 914.—In the absence of the persons included in the three preceding articles, the collateral relatives and the spouses shall inherit in the order established in the following sections.

SECTION 915.—Should there be only brothers or sisters of the whole blood, they shall inherit in equal shares.

SECTION 916.—Should brothers survive with nephews, children of brothers of the whole blood, the former shall inherit *per capita* and the latter *per stirpes*.

SECTION 917.—Should brothers of the whole blood survive with brothers of half blood, the former shall receive a share in the inheritance double that of the latter.

SECTION 918.—In case there are only brothers of half blood, some on the father's and some on the mother's side, all shall inherit equal shares without distinction of property.

SECTION 919.—Children of brothers of half blood shall succeed *per capita* or *per stirpes*, according to the

rules established for brothers or sisters of the whole blood.

SECTION 920.—In default of brothers and nephews, the surviving spouse shall succeed to all the property of the decedent, whether or not the sisters and nephews be of the whole blood or the half blood.

SECTION 921.—Should there be neither brothers or sisters nor children of brothers or sisters nor a surviving spouse, the other collateral relatives shall succeed to the estate of the deceased.

The succession of the latter shall follow without distinction of lines or preference among them by reason of the whole blood.

SECTION 922.—The right to inherit *ab intestato* shall not extend beyond the sixth degree of relationship in the collateral line.

ARTICLE V.—OF THE RIGHT OF SUCCESSION OF THE PEOPLE
OF PORTO RICO.

SECTION 923.—In the default of persons who have the right to inherit in accordance with the provisions of the preceding articles, The People of Porto Rico shall take the inheritance and shall devote the property to establishments of charity and free education in the following order:

1.—Establishments of municipal charity, and free schools of the domicil of the decedent.

2.—General charitable and educational institutions existing in Porto Rico.

SECTION 924.—Rights and obligations of charitable and educational institutions under the foregoing section shall be the same as those of other heirs.

SECTION 925.—In order that The People of Porto Rico may obtain possession of escheated inheritances,

it must be declared entitled by escheat and the property must be adjudicated to it in default of lawful heirs by means of a judicial proceeding.

CHAPTER V.

PROVISIONS COMMON TO INHERITANCE BY OR WITHOUT WILL.

ARTICLE FIRST.—PRECAUTIONS TO BE ADOPTED WHEN THE WIDOW REMAINS PREGNANT.

SECTION 926.—When the widow believes that she has been left pregnant, she must notify those having in the inheritance rights of such a character that they will disappear or be reduced by the birth of a posthumous child.

SECTION 927.—The interested parties to which the preceding section refers shall have the right to ask from the municipal judge or from the District Court having jurisdiction that proper orders be made in order to avoid a feigned delivery or to avoid the setting up the claim that the issue is born alive when in reality it is not. The municipal judge, or the District Court in the proper case, shall take care that the measures which they adopt shall not offend modesty nor infringe the liberty of the widow.

SECTION 928.—Whether the notice referred to in Section 926 has been given or not, when the time of the parturition approaches, the widow must notify the persons interested thereof. The latter shall have a right to appoint a person in whom they have confidence in order that he may ascertain the fact of the delivery.

If the person designated shall be rejected by the patient, the municipal judge or the District Court in the proper case shall make a nomination of a member of the medical faculty or of a woman.

SECTION 929.—The omission of these formalities shall not prejudice the legitimacy of the parturition, which, if impugned, may be proven by the mother or by the child legally represented.

The action to impugn on the part of those having such right shall prescribe in the periods indicated in Chapter 2, Title 7, Book First, of this Code.

SECTION 930.—When the husband has acknowledged in an instrument, either public or private, the fact of the pregnancy of his wife she shall be excused from giving the notice required by Section 926, but she must comply with the provisions of Section 928.

SECTION 931.—A widow who remains pregnant, even though she be rich, must be given support from the estate, taking into consideration the portion thereof which may pertain to the posthumous child, should it be born and be viable.

SECTION 932.—In the term that intervenes until the delivery or until it is certain whether or not there will be a delivery, either because there has been an abortion or because the maximum term of gestation has expired, provision shall be made for the security and the administration of the property, and the proper District Court shall nominate a judicial administrator, with a bond to be fixed by the said court. For the administration of the property of the inheritance the widow herself shall be preferred if there is no ground or sufficient reason to the contrary in the discretion of the said Court.

SECTION 933.—The division of the inheritance shall be suspended until the parturition or miscarriage takes place, or the lapse of time shows the widow was not pregnant.

However, an administrator may pay the creditors after a judicial mandate.

SECTION 934.—After the delivery or miscarriage has taken place, or after period of gestation has elapsed, the administrator of the estate shall terminate his office and shall give an account of his management to the heirs or to their legal representatives.

ARTICLE SECOND.—PROPERTY TO BE SET APART.

SECTION 935.—Besides the reservation imposed by Section 799, the widower or widow contracting a second marriage shall be obliged to set apart for the children and descendants of the former the ownership of all the property he may have acquired from the deceased spouse by will, by intestate succession, by gift, or for any other good consideration, but not his or her half of the conjugal profits.

SECTION 936.—The provision of the preceeding section is applicable to property which has been acquired for the considerations mentioned therein, by the widower or widow from any of the children of the first marriage, and to that received from the relatives of the deceased by reason of personal considerations for the same.

SECTION 937.—The obligation to set apart shall cease when the children of a marriage, of age and who may have a right to the estate, should expressly renounce it, or when things given or left by the children to their father or mother, with a knowledge that they had married a second time, are in question.

SECTION 938.—The reservation shall also cease if on the death of the father or mother who contracted a second marriage no legitimate children or descendants of the first marriage survive.

SECTION 939.—Notwithstanding the obligation to set apart, the father or mother, married a second time, may grant betterments in the property to be set apart to any of the children or descendants of the first marriage.

SECTION 940.—If the father or mother should not have made use in whole or in part of the right granted him or her in the foregoing section, the legitimate children and descendants of the first marriage shall succeed to the property to be set apart in accordance with the rules prescribed for succession in the descending line, even if, by virtue of a will, he or she should have unequally inherited from the first deceased spouse or should have renounced or repudiated his or her inheritance.

The child, justly disinherited by the father or by the mother, shall lose all right to the property set apart.

SECTION 941.—Alienations of real property to be set apart, made by the surviving spouse before contracting a second marriage, shall be valid with the obligation to secure, from the moment of said marriage, the value of the same to the children and descendants of the first marriage.

SECTION 942.—Alienations of real property to be set apart, which may have been made by the widower or widow after contracting a second marriage, shall be valid only if on his or her death no legitimate children or descendants of the first marriage survive, without prejudice to the provisions of the mortgage law.

SECTION 943.—Alienations of personal property, made before or after contracting a second marriage, shall be valid, always reserving the obligation to pay an indemnity.

SECTION 944.—A widower or widow, on contracting

a new marriage, shall have an inventory made of all the property subject to be set apart, enter in the registry of property that such real estate is subject to be set apart in accordance with the provisions of the mortgage law and shall have the personal property appraised.

SECTION 945.—A widower or widow, on remarrying, is also bound to secure by a mortgage:

1.—The payment of the damages caused, or which may be caused by his or her fault or neglect.

2.—The return of the sums which may have been received for the personal property alienated or the delivery of the value it had at the time of the alienation, if the latter should have been made for a good consideration.

3.—The value of the real estate validly alienated.

SECTION 946.—The provisions of the preceding section for the case of a second marriage shall also be observed in third and subsequent marriages.

SECTION 947.—The obligation to set apart, imposed in the preceding sections, shall be applicable to the widower or widow, who, even though he or she does not contract a new marriage, may subsequently have an acknowledged natural child, or one judicially declared as such.

Said obligation shall be effective from the date of the birth of said child.

ARTICLE THIRD.—THE RIGHT OF ACCRETION.

SECTION 948.—In legitimate successions the portion of the person who repudiated the inheritance shall always accrue to the coheirs.

SECTION 949.—In order that a testamentary succes-

sion in the right of accretion may take place it is necessary:

1. That two or more persons are designated to the same inheritance or to the same portion thereof without a special designation of shares.

2.—That one of the persons designated dies before the testator or renounces the inheritance or is disqualified to receive it.

SECTION 950.—It shall be understood that a designation has been made by portion only in case the testator may have expressly assigned a share to each heir.

The phrase "one-half to each or in equal parts," or any other which, though designating an aliquot part, should not fix it numerically or in such manner as to make each of them the owner of an estate severally, does not exclude the right of accretion.

SECTION 951.—The heirs, to whom the inheritance accrues, shall succeed to all the rights and obligations which the one who did not wish or could not receive it would have had.

SECTION 952.—Among heirs by force of law the right of accretion shall take place only when the part which can be freely disposed of is left to two or more of them or to any one of them, and to a stranger.

Should the part repudiated be the legal portion, the other coheirs shall succeed to it in their own right, and not by the right of accretion.

SECTION 953.—In testamentary successions, when the right of accretion is not proper, the rejected portion of the heir designated, for whom no substitute has been appointed, shall pass to the legal heirs of the testator who shall receive it with the same charges and obligations.

SECTION 954.—The right of accretion shall also be

proper between the legatees and the usufructuaries in the manner established for heirs.

ARTICLE FOURTH.—ACCEPTANCE AND REPUDIATION OF THE
INHERITANCE.

SECTION 955.—Acceptance and repudiation of the inheritance are acts entirely voluntary and free.

SECTION 956.—The effects of the acceptance and repudiation shall always retroact to the moment of the death of the person whose property is inherited.

SECTION 957.—Acceptance or repudiation of the inheritance can not take place, either partially, for a certain period, nor conditionally.

SECTION 958.—No person can accept nor repudiate an inheritance, without being certain of the death of the person from whom he is to inherit and of his rights to the inheritance.

SECTION 959.—Any person having the free disposal of his property may accept or repudiate an inheritance.

An inheritance left to minors or incapacitated persons may be accepted in accordance with the tenure of that provided in No. 10 of Section 282 of Chapter 7, Title 10, Book First of this Code. Should the guardian accept by himself, the acceptance shall be considered as made under benefit of inventory.

The acceptance of an inheritance left to the poor shall pertain to the persons designated by the testator to classify and distribute the property, and, in their absence, to those mentioned in Section 737, and it shall also be understood as accepted under benefit of inventory.

SECTION 960.—The legal representatives of associations, corporations, and institutions qualified to acquire

may accept the inheritance left to the same ; but in order to repudiate it they require judicial approval, after hearing the Department of Public Prosecution.

SECTION 961.—Public official establishments can neither accept nor repudiate inheritances without the approval of the Governor of Porto Rico.

SECTION 962.—Deaf mutes who know how to read and write shall accept or decline the inheritance in person, or by means of a representative in accordance with the law. If they do not know how to read or write, their guardian shall accept it under benefit of inventory, subject to the provisions in respect to this disability contained in Section 255 of Article II, Title X, Book I of this Code.

SECTION 963.—The acceptance and repudiation of an inheritance once made are irrevocable, and cannot be impugned except when they are tainted from any of the defects which annul the consent, or when an unknown will appears.

SECTION 964.—Inheritances may be accepted purely and simply or under benefit of inventory.

SECTION 965.—Pure and simple acceptances may be express or implied.

An express acceptance is one made in a public or private instrument.

Implied acceptance is one made by acts which necessarily imply a wish to accept, or acts which no one should have a right to execute except in the capacity of an heir.

Acts of mere preservation, or provisional administration, do not imply the acceptance of the inheritance if, at the same time, the title and character of heir have not been assumed.

SECTION 966.—An inheritance is considered as accepted:

1. When the heir sells, gives, or assigns his right to a stranger, to all his coheirs, or to one of them.

2. When the heir renounces it, even gratuitously, for the benefit of one or more of his coheirs.

3. When he renounces it for a consideration in favor of all his coheirs indiscriminately, but if this renunciation should be gratuitous, and the coheirs, in whose favor it is made, are those to whom the portion renounced must accrue, the inheritance shall not be considered as accepted.

SECTION 967.—Should the heir repudiate the inheritance to the prejudice of his own creditors, the latter may request the District Court having jurisdiction to authorize them to accept it in the name of the former.

The acceptance shall be of benefit to the creditors only in so far as it covers the amount of their credits. The excess, should there be any, shall not belong in any case to the renouncer, but shall be awarded to the persons to whom, according to the rules of this Code, it may pertain.

SECTION 968.—The heirs who have taken or concealed any property of the inheritance lose the right to renounce it and retain only the character of pure and simple heirs without prejudice to the penalties which they may have incurred.

SECTION 969.—Through an acceptance, pure and simple, or without benefit of inventory, the heir shall be liable for all the charges on the estate, not only with the property of the same, but also with his own.

SECTION 970.—No action can be instituted against the heir to compel him to accept or repudiate it until

nine days have elapsed from the death of the person whose inheritance is in question.

SECTION 971.—Should a third person in interest institute a suit to compel the heir to accept or to repudiate the inheritance, the District Court shall fix a period for the latter, not exceeding thirty days, within which he shall declare his intention, warning him that should he not do so the inheritance shall be considered as accepted.

SECTION 972.—Upon the death of the heir, without having accepted or repudiated the inheritance, the rights he may have had are transmitted to his heirs.

SECTION 973.—Should there be several heirs designated to an inheritance, some of them may accept and some repudiate it. Every one of the heirs shall enjoy the same liberty to accept it purely and simply, or under benefit of inventory.

SECTION 974.—The repudiation of an inheritance shall be made in a public or authentic instrument, or in writing presented to the District Court having jurisdiction in testamentary or intestate proceedings.

SECTION 975.—Any person designated to an inheritance by a will and *ab intestato* and who repudiates it in the first capacity is considered as having repudiated in both characters.

Should he repudiate it as an intestate heir and without having knowledge of his testamentary character, he may yet accept it in the latter capacity.

ARTICLE FIFTH.—BENEFIT OF INVENTORY AND RIGHT
TO DELIBERATE.

SECTION 976.—Every heir may accept an inheritance under benefit of inventory, even though the testator should have forbidden it.

He may also request the making of the inventory before accepting or repudiating the inheritance, in order to deliberate on this point.

SECTION 977.—The acceptance of the inheritance, under the benefit of inventory, may be made before a notary or in writing before the District Court having jurisdiction in testamentary or intestate proceedings.

SECTION 978.—Should the heir referred to in the preceding section be abroad, he may make said declaration before a diplomatic or consular agent of the United States who may be authorized to discharge the duties of a notary in the place of the execution.

SECTION 979.—The declaration referred to in the preceding sections shall not produce any effect whatsoever unless it be preceded or followed by a true and exact inventory of all the property of the estate, made with the formalities and within the periods fixed in the following sections.

SECTION 980.—An heir who may have in his possession the property of the estate or a part thereof, and who may wish to make use of the benefit of inventory or of the right to deliberate, shall state this to the District Court of competent jurisdiction in testamentary or intestate proceedings, within ten days following that on which he has become aware that he is such an heir, if he resides in the place where the deceased may have died. If he resides outside of it the period shall be thirty days.

In either case the heir must request, at the same time, the making of the inventory and the citation of the creditors and legatees in order that they may be present thereat if they wish to.

SECTION 981.—If the heir should not have in his possession the inheritance or a part of it, or has not

taken any steps as such heir, the periods fixed in the preceding section shall be counted from the day following that on which the period fixed by the District Court for accepting or repudiating the inheritance expires, in accordance with Section 971, or from the day on which he may have accepted it or has acted as heir.

SECTION 982.—With the exception of the cases referred to in the two preceding sections, if no action should have been brought against the heir, he may accept, under the benefit of inventory, or with the right to deliberate while the action to claim the inheritance does not prescribe.

SECTION 983.—An inventory shall be begun within the thirty days following the citation of the creditors and legatees and shall be finished within sixty days more.

If, by reason of the property being situated at a long distance, or being very valuable, or for any other sufficient cause, said sixty days should appear insufficient, the District Court may extend this period for such a time as it may deem necessary, which can not exceed one year.

SECTION 984.—If, by the fault or negligence of the heir the inventory is not begun or finished within the periods, and with the formalities prescribed in the preceding sections, it shall be understood that he accepts the inheritance purely and simply.

SECTION 985.—An heir, who should have reserved to himself the right to deliberate, must state to the court having jurisdiction, within thirty days, counted from the day following that on which the inventory has been concluded, whether he accepts or repudiates the inheritance.

If said thirty days have elapsed without said state-

ment being made it shall be understood that he accepts it purely and simply.

SECTION 986.—In every case the District Court may provide on the petition of the interested party during the formation of the inventory until the acceptance of the inheritance, for the administration and custody of the estate for that purpose, an administrator with the necessary legal capacity who shall present a bond to be fixed by the court.

SECTION 987.—A person who judicially claims an inheritance, which another has had in his possession for more than one year and who should win the suit, shall not be obliged to make an inventory in order to enjoy said benefit, and he shall be liable for the charges on the estate only with the property which may have been delivered to him.

SECTION 988.—The inventory made by the heir, who afterwards repudiates the inheritance, shall benefit the substitutes and the intestate heirs, with regard to whom the thirty days for deliberation and in which to make the statement prescribed by Section 985 shall be counted from the day following that on which they received notice of the repudiation.

SECTION 989.—The benefit of inventory produces the following effects in favor of the heir:

1. The heir shall not be bound to pay the debts and other charges on the inheritance except in so far as the property of the same may go.
2. He retains against the estate all the rights and actions which he may have had against the deceased.
3. His private property shall not be confused for any purpose whatsoever, to his injury, with the property belonging to the estate.

SECTION 990.—The heir shall lose the benefit of inventory:

1. If having knowledge thereof he fails to include in the inventory any of the property, rights, or actions of the inheritance.

2.—If before concluding the liquidation of the debts and legacies he should alienate any property of the estate without judicial authorization, or that of all the persons interested, or if he should not apply the value of what is sold in the manner specified at the time the authorization was granted him.

SECTION 991.—During the making of the inventory and the period granted for deliberating the legatees can not demand the payment of their legacies.

SECTION 992.—Until all the known creditors and the legatees have been paid, it shall be understood that the estate is under administration.

The administrator, whether it be the heir himself or any other person, shall have, as such, the representation of the estate to exercise all the actions pertaining thereto, and answer all complaints instituted against the same.

SECTION 993.—The administrator can not pay the legacies until he has paid all the creditors.

SECTION 994.—Should there be a pending suit among the creditors with regard to the preference of their credits, they shall be paid in the order and according to the degree fixed by the final judgment of graduation.

Should no suit be pending among the creditors, those presenting themselves first shall be paid first; but should it appear that one of the known credits is preferred, the payment shall not be made without previous security being given in favor of the creditor having a better right.

SECTION 995.—If after the legacies are paid other creditors should appear, the latter shall have a right to make claims against the legatees only in case sufficient property should not remain to pay them.

SECTION 996.—If for the payment of credits and legacies the sale of the hereditary estate should be necessary, it shall take place in the manner established by the law of civil procedure with regard to intestate and testamentary proceedings, unless all the heirs, creditors, and legatees come to a different agreement.

SECTION 997.—If the hereditary estate should not be sufficient for the payment of the debts and legacies, the administrator shall render an account of his administration to the creditors and legatees who have not been paid in full, and he shall be liable for the damages caused the estate through his fault or negligence.

SECTION 998.—After the creditors and legatees are paid, the heirs shall have the full enjoyment of the remainder of the estate

Should the estate have been administered by another person, he shall give an account of his administration to the heirs, under the liability imposed by the preceding section.

SECTION 999.—The cost of the inventory and the other expenses arising from the administration of the inheritance, accepted under the benefit of inventory, and the defense of its rights, shall be charged to the said estate. The costs which the heir may have been personally adjudged to pay by reason of his deceit or bad faith are excepted.

The same shall be understood with regard to the costs arising from making use of the right to deliberate, if the heir repudiates the inheritance.

SECTION 1000.—The private creditors of the heir can not interfere with the operations of the estate, accepted by the latter under benefit of inventory, until the creditors of the same and the legatees have been paid; but they may demand the retention or the attachment of the remainder which may be left the heir.

CHAPTER SIXTH.

COLLATION AND DIVISION.

ARTICLE FIRST.—COLLATION.

SECTION 1001.—An heir by force of law surviving with others of the same character to a succession must bring into the hereditary estate the property or securities he may have received from the deceased during the life of the same, by way of dowry, gift, or for any good consideration, in order to compute it in fixing the legal portions and in the account of the division.

SECTION 1002.—Collation shall not take place among heirs by force of law if the donor should have so expressly ordered, or if the donee should repudiate the inheritance, excepting the case in which the gift is to be reduced by reason of illegality.

SECTION 1003.—What is left by will is not subject to collation, if the testator did not order otherwise, the legal portions in any case being reserved.

SECTION 1004.—When grandchildren inherit from their grandparents in representation of their parents, surviving with their uncles or cousins, they shall bring to collation all that their parents, if alive, would have been required to bring, even though they may not have inherited it.

They shall also bring to collation whatever they may have received from the testator during his life,

unless the testator has disposed otherwise, in which case his will must be respected should it not prejudice the legal portion of the coheirs.

SECTION 1005.—Parents are not obliged to bring to collation in the inheritance of their ascendants what may have been bestowed as a gift by the latter to their children.

SECTION 1006.—Neither shall the gifts bestowed upon the spouse of the child be brought to collation, but should they have been made by the parent to both of them conjointly, the child shall be obliged to bring to collation one-half of the thing bestowed as a gift.

SECTION 1007.—Expenses for support, education, for sickness, even though they be extraordinary, apprenticeship, ordinary equipment, or usual presents are not subject to collation.

SECTION 1008.—Expenses which may have been incurred by the parents in giving their children a professional or artistic career shall not be brought to collation unless the parent so orders or should they prejudice the legal portion; but when it is legal to bring them to collation, the sum which the child would have spent, if it had lived in the house and company of its parents, shall be deducted therefrom.

SECTION 1009.—Amounts paid by the father to pay bonds for the son, to pay his debts, to obtain for him a lucrative title or one of honor, or other similar expenses, shall be treated as advances.

SECTION 1010.—The amounts paid by a parent to redeem the children from the lot of soldiers, pay their debts, obtain for them a title of honor, or other similar expenses, shall be brought to collation.

SECTION 1011.—Wedding presents, consisting of jewels, clothing, and outfit, shall not be reduced as

illegal except in so far as they exceed one-tenth or more of the sum which can be disposed of by will.

SECTION 1012.—The same things bestowed as a gift or given in dowry need not be brought to collation and division, but only the value they had at the time of the gift or dowry, even though they should not have been appraised at the time.

Their subsequent increase or impairment and even their total loss, either casually or culpably, shall be for the account and risk or for the benefit of the donee.

SECTION 1013.—A dowry or gift, made by both spouses, shall be brought to collation in equal parts in the inheritance of each one of them. That made by one alone shall be brought to collation in his or her inheritance.

SECTION 1014.—The donee shall receive from the funds of the inheritance an amount so much less than the sum he may already have received, the coheirs receiving the equivalent in property of the same nature, class, and quality, in so far as possible.

SECTION 1015.—If the provisions of the preceding section can not be executed, if the property bestowed as a gift consisted of real estate, the coheirs shall have a right to be equalized in cash, or in securities, at the rate at which they are quoted; and should there be in the inheritance neither cash nor securities which can be quoted, other property shall be sold at public auction in so far as necessary.

If the property bestowed as gift is personal property, the coheirs shall have only a right to be equalized in other personal property of the inheritance at its just value at their option.

SECTION 1016.—The fruits of and interest on the property, subject to collation, are not due the funds of

the inheritance, except from the day on which the succession is opened.

In order to regulate the same, the rents of and interest on the hereditary property, of the same kind as that brought to collation shall be taken into consideration.

SECTION 1017.—If a question should arise among the coheirs as to the obligation to bring or with regard to the objects which are to be brought to collation, the division shall not be stopped for such reason when the proper security is given.

ARTICLE SECOND.—DIVISION

SECTION 1018.—No heir shall be compelled to remain in possession of the inheritance without partition unless the testator expressly prohibits partition. This prohibition shall not extend to the property which constitutes the lawful portions of the heirs. In every case, partition shall always be had for any reasons for which a partnership is dissolved.

SECTION 1019.—No coheir can be obliged to continue in an undivided inheritance unless the testator should expressly forbid the division.

But even though forbidden, the division shall always be made for any of the causes by reason of which partnerships are dissolved.

SECTION 1020.—Every coheir having the free administration and disposal of his property may at any time request the division of the estate.

The legal representatives of incapacitated persons and absentees must request the division in their name.

SECTION 1021.—The conditional heirs can not request the division until the condition is complied with. But the other coheirs may request it by properly secu-

ring the right of the former in case the condition is fulfilled; and until it is known that it has not been or can no longer be complied with, the division shall be considered as provisional.

SECTION 1022.—If, before making the division, one of the coheirs should die, leaving two or more heirs, it shall be sufficient for one of them to request it, but all those who intervene in such capacity shall appear under a single representation.

SECTION 1023.—If the testator should make a division of his property by an act *inter vivos* or by a last will, it shall be accepted in so far as it does not prejudice the legal portion of the heirs by force of law.

A father who, in the interest of his family, desires to keep an agricultural, industrial, or manufacturing enterprise undivided may make use of the privilege granted him by this section by providing that the legal portions of the other children be paid in cash.

SECTION 1024.—The testator may, by an act *inter vivos* or *causa mortis*, intrust the mere power of making the division after his death to any person who is not one of the coheirs.

The provisions of this and the foregoing sections shall be observed, even should there be a minor or a person subject to guardianship among the coheirs; but the trustee must in such case make an inventory of the property of the inheritance, citing the coheirs, the creditors, and the legatees.

SECTION 1025.—Should the testator not have made any division, nor entrusted this power to another, if the heirs should be of age and should have the free administration of their property, they may distribute the estate in the manner they may see fit.

SECTION 1026.—If the heirs of age should not agree

as to the manner of making the division, they shall be free to enforce their rights in the manner prescribed in the law of civil procedure.

SECTION 1027.—If the minors should be subject to the parental authority, and are represented in the division by the father or by the mother, in a proper case, neither judicial intervention nor approval shall be required.

SECTION 1028.—In the division of the estate all possible fairness shall be observed by drawing lots or awarding to each one of the coheirs things of the same nature, quality, or kind.

SECTION 1029.—If a thing should be indivisible or should become considerably impaired by being divided it may be awarded to one of the heirs under condition of paying to the others the difference in cash.

But it shall be sufficient if a single one of the heirs requests its sale at public auction, outside bidders being admitted in order that it may take place.

SECTION 1030.—On making the division, the coheirs shall reciprocally compensate each other for the income and fruits each of them may have received from the hereditary property for the useful and necessary expenses made on said property or for the damage caused thereto by malice or negligence.

SECTION 1031.—The costs of the division, made for the common interests of all the coheirs, shall be deducted from the estate; those made for the particular interest of one of them shall be defrayed by the same.

SECTION 1032.—The titles of acquisition or of ownership shall be delivered to the coheir to whom the estate or estates to which they refer may have been awarded.

SECTION 1033.—When the same title includes several estates awarded to several coheirs, or one only

which may have been divided among two or more, the title shall remain in the possession of the person having the largest interest in the estate or estates, and true copies thereof shall be furnished the others at the expense of the estate. Should the interests be equal, the title shall be delivered to the male heir, and should there be more than one, to the eldest.

Should the title be an original one, the person in whose possession it remains shall furthermore be obliged to exhibit it to the other persons interested, when they request it.

SECTION 1034.—If any of the heirs should sell his hereditary rights to a stranger before the division, all or any of the coheirs may subrogate himself in the place of the purchaser, reimbursing him for the value of the purchase, provided they do so within the period of a month, to be counted from the time they were informed thereof.

ARTICLE THIRD.—EFFECTS OF DIVISIONS.

SECTION 1035.—A division legally made confers upon each heir the exclusive ownership of the property which may have been awarded to him.

SECTION 1036.—After the division has been made the coheirs shall be mutually bound to the surrender, and shall guarantee the property awarded.

SECTION 1037.—The obligation referred to in the foregoing section shall cease in the following cases only:

1. Should the testator himself have made the division, unless it appears or may be reasonably presumed that he desired the contrary, and always reserving the legal portion.

2. Should it have been expressly stipulated on making the division.

3. Should the surrender arise from a cause subsequent to the division, or should it have been caused by the fault of the person to whom it was awarded.

SECTION 1038.—The mutual obligation of the coheirs to surrender is in proportion to their respective hereditary shares; but if any of them should be insolvent the other coheirs shall be liable for his part, in the same proportion, deducting the part pertaining to the one to be indemnified.

Those paying for the insolvent shall preserve their action against him until the time when his fortune may improve.

SECTION 1039.—If a credit should be awarded as recoverable, the coheirs shall not be liable for the subsequent insolvency of the debtor to the estate, and shall be liable only for his insolvency at the time the division is made.

No one shall be liable for the credits qualified as unrecoverable; but should they be collected, in whole or in part, the amount collected shall be distributed in the proper proportion among the heirs.

ARTICLE FOURTH—RESCISSION OF THE DIVISION.

SECTION 1040.—Divisions may be rescinded for the same causes as obligations.

SECTION 1041.—They may also be rescinded by reason of *lesion* exceeding the fourth part, taking into consideration the value of the things at the time they were awarded.

SECTION 1042.—The division made by the testator can not be impugned by reason of *lesion* excepting in the cases in which it may injure the legal portion of

the heirs by force of law, or when it may appear, or it may be reasonably presumed, that the will of the testator was otherwise.

SECTION 1043.—A rescissory action by reason of *lesion* shall prescribe after four years, counting from the time the division was made.

SECTION 1044.—A defendant heir may choose between indemnifying for the damage or consent to a new division.

The indemnity may be paid in cash or in the same thing which suffered the damage.

If a new division is made it shall not include those who may not have been prejudiced, nor those who did not receive more than was proper.

SECTION 1045.—An heir who may have alienated the whole or a considerable part of the real property awarded to him can not institute the rescissory action by reason of *lesion*.

SECTION 1046.—The omission of one or more objects or securities of the inheritance does not give rise to the rescission of the division by reason of *lesion*, but only to complete or increase the state with the objects or securities omitted.

SECTION 1047.—A division, made with preterition of any of the heirs, shall not be rescinded unless it be proven that there was bad faith or deceit on the part of the other persons interested; but the latter shall be obliged to pay to the omitted person the proportionate share belonging to him.

SECTION 1048.—A division made with a person who was believed to be an heir without being so shall be void.

ARTICLE FIFTH.—PAYMENT OF HEREDITARY DEBTS.

SECTION 1049.—Creditors, recognized as such, may oppose the division of the inheritance until they are paid or the amount of their credits is secured.

SECTION 1050.—Creditors of one or more of the coheirs may take part, at their own expense, in the division in order to prevent it being made in fraud or to the prejudice of their rights.

SECTION 1051.—After the division has been made the creditors may demand the payment of their debts in full of any of the heirs who may not have accepted the inheritance under the benefit of inventory, or up to the amount of their hereditary share in case they have accepted it under such benefit.

In either case the defendant shall have a right to notify and summon his coheirs, unless, by disposition of the testator or by reason of the division, he alone should be bound to pay the debt.

SECTION 1052.—The coheir who shall have paid more than pertains to his share in the inheritance may demand his proportionate part of the others.

The same course shall be pursued if, by reason of the debt being secured by mortgage or consisting in a specified object, he should have paid it in full. The person to whom it has been awarded may, in such case, demand of his coheirs the proportional part only, even though the creditor should have transferred to him his actions and subrogated him in his place.

SECTION 1053.—Should any of the estates of the inheritance be charged with a perpetual income or real-property charge it shall not be extinguished, even when redeemable, unless a majority of the coheirs agree thereto.

Should this not be agreed to or should the charge not be redeemable, its value or principal shall be deducted from that of the estate, and the latter shall pass with the charge to the person to whom it may be allotted or awarded.

SECTION 1054.—The coheir, who at the same time should be a creditor of the deceased, may demand of the others the payment of his credits, deducting his proportional part as such heir, and without prejudice to the provisions of Article fifth, Chapter fifth of this Title.

BOOK FOURTH.

OBLIGATIONS AND CONTRACTS.

TITLE I.

OBLIGATIONS.

CHAPTER I.

GENERAL PROVISIONS.

SECTION 1055.—Every obligation consists in giving, doing, or not doing something.

SECTION 1056.—Obligations are created by law, by contracts, by quasicontracts, and by illicit acts and omissions or by those in which any kind of fault or negligence occurs.

SECTION 1057.—Obligations arising from law are not presumed. Those expressly determined in this Code or in special laws are the only demandable ones, and they shall be governed by the provisions of the laws which may have established them and by those of this Book in regard to what has not been prescribed by said laws.

SECTION 1058.—Obligations arising from contracts have legal force between the contracting parties, and must be fulfilled in accordance with their stipulations.

SECTION 1059.—Civil obligations, arising from crimes or misdemeanors, shall be governed by the provisions of the Penal Code.

SECTION 1060.—Those arising from acts or omissions, in which faults or negligence, not punished by law,

occur, shall be subject to the provisions of Chapter second of Title sixteen of this Book.

CHAPTER II.

NATURE AND EFFECTS OF OBLIGATIONS.

SECTION 1061.—A person obliged to give something is also bound to preserve it with the diligence pertaining to a good father of a family.

SECTION 1062.—A creditor has a right to the fruits of a thing from the time the obligation to deliver it arises. However, he shall not acquire a property right thereto until it has been delivered to him.

SECTION 1063.—Should the thing to be delivered be a specified one the creditor, independently of the right granted him by Section 967, may compel the debtor to make the delivery.

Should the thing be undetermined or generic he may ask that the obligation be fulfilled at the expense of the debtor.

Should the person obligated be in default, or be bound to deliver the same thing to two or more different persons, he shall be liable therefor with regard to unforeseen events until the delivery is made.

SECTION 1064.—The obligation to give a specified thing includes that of delivering all of its accessories, even though they may not have been mentioned.

SECTION 1065.—If the person obliged to do something should not do it, it shall be ordered to be done at his expense.

This shall also be done should he act in contravention of the tenor of the obligation. Whatever has been badly done may also be ordered to be undone.

SECTION 1066.—The provisions of the second paragraph of the preceding section shall also be observed

when the obligation consists in not doing and the debtor should do what he has been forbidden.

SECTION 1067.—Persons obliged to deliver or to do something are in default from the moment when the creditor demands the fulfillment of their obligation, judicially or extrajudicially.

However, the demand of the creditor, in order that default may exist, shall not be necessary--

1. If the obligation or law declares it expressly.
2. If by reason of its nature and circumstances it may appear that the fixing of the period within which the thing was to be delivered or the service rendered was a determinate cause to constitute the obligation.

In mutual obligations none of the persons bound shall incur default if the other does not fulfill or does not submit to properly fulfill what is incumbent upon him. From the time one of the persons obligated fulfills his obligation the default begins for the other party.

SECTION 1068.—Those who in fulfilling their obligations are guilty of fraud, negligence, or delay, and those who in any manner whatsoever act in contravention of the stipulations of the same, shall be subject to indemnify for the losses and damages caused thereby.

SECTION 1069.—Liability arising from fraud is demandable in all obligations. The renunciation of the action to enforce it is void.

SECTION 1070.—Liability arising from negligence is also demandable in the fulfillment of all kinds of obligations; but it may be mitigated by the court, according to the case.

SECTION 1071.—The fault or negligence of the debtor consists of the omission of the steps which may be re-

quired by the character of the obligation, and which may pertain to the circumstances of the persons, time, and place.

Should the obligation not state what conduct is to be observed in its fulfillment, that observed by a good father of a family shall be required.

SECTION 1072.--No one shall be liable for events which could not be foreseen, or which having been foreseen were inevitable, with the exception of the cases expressly mentioned in the law or those in which the obligation so declares.

SECTION 1073.--Indemnity for losses and damages includes not only the amount of the loss which may have been suffered, but also that of the profit which the creditor may have failed to realize, reserving the provisions contained in the following sections.

SECTION 1074.--The losses and damages for which a debtor in good faith is liable, are those foreseen or which may have been foreseen, at the time of constituting the obligation, and which may be a necessary consequence of its nonfulfillment.

In case of fraud, the debtor shall be liable for all those which clearly may originate from the nonfulfillment of the obligation.

SECTION 1075.--Should the obligation consist in the payment of a sum of money, and the debtor should be in default, the indemnity for losses and damages, should there not be a stipulation to the contrary, shall consist in the payment of the interest agreed upon, and should there be no agreement, in that of the legal interest.

Until another rate is fixed by the Government, interest at the rate of six per cent per annum shall be considered as legal.

SECTION 1076.--Interest due shall earn legal interest from the time it is judicially demanded, even if the obligation should have been silent on this point.

In commercial transactions the provisions of the Code of Commerce shall be observed.

Savings banks shall be governed by their special regulations.

SECTION 1077.--A receipt from the creditor for the principal, without any stipulation regarding interest, extinguishes the obligation of the debtor with regard thereto.

The receipt for the last installment of a debt, when the creditor has made no reservation, shall also extinguish the obligation with regard to the previous installments.

SECTION 1078.--Creditors, after having attached the property of which the debtor may be in possession, in order to collect all that is due them, may exercise all the rights and actions of the latter for the same purpose, excepting those inherent in his person; they may also impugn the acts which the debtor may have performed in fraud of their right.

SECTION 1079.--All the rights acquired by virtue of an obligation are transmissible, subject to law, should there be no stipulation to the contrary.

CHAPTER III

DIFFERENT KINDS OF OBLIGATIONS.

ARTICLE FIRST.--PURE AND CONDITIONAL OBLIGATIONS.

SECTION 1080.--Every obligation, the fulfillment of which should not depend upon a future or uncertain event or upon a past event, **unknown to** the parties in interest, shall be immediately **demandable**.

Every obligation, containing a condition subsequent, shall also be demandable without prejudice to the effect of the performance.

SECTION 1081.—In conditional obligations, the acquisition of rights, as well as the extinction or loss of those already acquired, shall depend upon the event constituting the condition.

SECTION 1082.—If the fulfillment of the condition should depend upon the exclusive will of the debtor, the conditional obligation shall be void. If it should depend upon chance or upon the will of a third person, the obligation shall produce all its effects in accordance with the provisions of this Code.

SECTION 1083.—Impossible conditions, those contrary to morality, and those forbidden by law, shall annul the obligation depending upon them.

The condition of not doing a thing which is impossible is considered as not imposed.

SECTION 1084.—The condition that a certain event shall happen within a fixed period, shall extinguish the obligation from the time the period lapses or when there is no doubt that the event will not take place.

SECTION 1085.—The condition that a certain event shall not occur within a fixed period shall render the obligation binding from the time the period fixed elapses, or when it becomes evident that such event can not occur.

Should there not be a fixed period, the condition shall be considered as fulfilled within the time which would probably have been fixed, in view of the nature of the obligation.

SECTION 1086.—The condition shall be considered as fulfilled when the obligated party should voluntarily prevent its fulfillment.

SECTION 1087.—The effects of a conditional obligation to give after the condition has been fulfilled shall retroact to the day on which it was constituted. Nevertheless, if the obligation should impose mutual prestations on the parties concerned, the fruits and interest for the time during which the condition has been pending shall be understood as compensating each other. Should the obligation be unilateral, the debtor shall become the owner of the fruits and interest collected, unless by reason of the nature and circumstances of the obligation it must be inferred that the will of the person constituting it was otherwise.

In the obligations of doing or of not doing, the courts shall determine in each case the retroactive effect of the condition fulfilled.

SECTION 1088.—The creditor may, before fulfilling the conditions, enforce the actions which may be proper for the preservation of his right.

The debtor may recover what he may have paid during the same period.

SECTION 1089.—Should the conditions be established for the purpose of suspending the efficiency of the obligation to give, the following rules shall be observed in case the thing should improve, or be lost or impaired while the condition is pending:

1. If the thing was lost without fault of the debtor, the obligation shall be extinguished.

2. If the thing was lost by the fault of the debtor, he is obliged to make good the losses and damages.

It is understood the thing is lost when it perishes, becomes unsaleable, or disappears in such a manner that its existence is unknown, or it is not possible to recover it.

3. If the thing deteriorates without fault of the

debtor, the deterioration shall be borne by the creditor.

4. If the thing should deteriorate by the fault of the debtor, the creditor may chose between the rescission of the obligation and its fulfillment, with indemnity for damages in both cases.

5. If the thing should improve by its nature or by time the improvements accrue to the benefit of the creditor.

6. If it should improve at the expense of the debtor, the latter shall have no more rights than those granted a usufructuary.

SECTION 1090.—If the object of the conditions should be to rescind the obligation to give, after they are performed, the parties in interest shall mutually return all they may have received.

In cases of loss, deterioration or improvement of the thing, the provisions relating to debtors, contained in the preceding section, shall be applied to the person obliged to make restitution.

With regard to the obligations of doing or not doing, the provisions of the second paragraph of Section 1087 shall be observed in so far as the effects of the rescission are concerned.

SECTION 1091.—The right to rescind the obligations is considered as implied in mutual ones, in case one of the obligated persons does not comply with what is incumbent upon him.

The person prejudiced may choose between exacting the fulfillment of the obligation or its rescission with indemnity for damages and payment of interest in either case. He may also demand the rescission, even after having requested its fulfillment, should the latter appear impossible.

The court shall order the rescission demanded, un-

less there are sufficient causes authorizing it to fix a period.

This is understood without prejudice to the rights of third acquirers, in accordance with Sections 1262 and 1265, and with the provisions of the mortgage law.

ARTICLE SECOND.—OBLIGATIONS WITH DEFINITE PERIODS.

SECTION 1092.—Obligations, the fulfillment of which has been fixed for a day certain, shall only be demandable when the proper day arrives.

A day certain is understood to be one which must necessarily arrive, even though its date be unknown.

If the uncertainty should consist in the arrival or nonarrival of the day, the obligation is conditional and shall be governed by the rules of the preceding Article

SECTION 1093.—In obligations with definite periods, what has been paid in advance can not be recovered.

If the person who paid was not aware when he did so of the existence of the period, he shall have a right to claim from the creditors the interest or fruits which the latter may have received from the thing.

SECTION 1094.—Whenever a period should be fixed in obligations, it is presumed as established for the benefit of the creditor as well as of the debtor unless from their tenor or from other circumstances it should appear that it was established for the benefit of one or the other.

SECTION 1095.—Should the obligation not fix a period but it can be inferred from its nature and circumstances that there was an intention to grant it to the debtor, the courts shall fix the duration of the same.

The court shall also fix the duration of the period when it may have been left to the will of the debtor.

SECTION 1096.—The debtor shall lose all right to profit by the period—

1. If, after contracting the obligation, it should appear that he is insolvent, unless he gives security for the debt.

2. If he does not give to the creditor the guaranties stipulated.

3. If by his own acts he should have reduced said guaranties after giving them, and if they disappear through an fortuitous event, unless they are immediately substituted, by new ones equally safe.

SECTION 1097.—If the period of the obligation be fixed by days, to be counted from a specified one, such day shall be excluded from the computation, which, must begin on the following one.

ARTICLE THIRD.—ALTERNATIVE OBLIGATIONS.

SECTION 1098.—A person who is alternatively obliged to make different prestations must fully comply with one of them.

A creditor can not be compelled to receive a part of one and a part of another.

SECTION 1099.—The option pertains to the debtor unless it has been expressly granted the creditor.

A debtor shall not have the right to choose prestations which are impossible, illicit, or which could not have been the object of the obligation.

SECTION 1100.—The election shall be effective only from the time it was made known.

SECTION 1101.—A debtor shall lose the right of option when, of the prestations which he is alternatively obliged to make, only one is feasible.

SECTION 1102.—A creditor shall have the right to indemnity for losses and damages when, by the fault

of the debtor, all the things which were alternatively the objects of the obligation should have disappeared, or it should have become impossible to fulfill the latter.

The indemnity shall be fixed, taking as a basis the value of the last thing which may have disappeared or of the last service which has become impossible.

SECTION 1103.—When an option has been expressly granted the creditor the obligation shall cease to be alternative from the day on which notice of said option may have been given to the debtor.

Until then the liability of the debtor shall be governed by the following rules:

1. If any of the things should have been lost by a fortuitous event, he shall perform by delivering the one which the creditor may select from among those remaining, or the one remaining if only one should exist.

2. If the loss of any of the things should have been caused by the fault of the debtor the creditor may claim any of those remaining or the value of the one which has disappeared by the fault of the debtor.

3. If all the things should have been lost by the fault of the debtor the creditor shall have a right to select the value of any one of them.

The same rules shall be applied to the obligations of doing or not doing, in case that any or all of the prestations should be impossible.

ARTICLE FOURTH.—SEVERAL AND JOINT OBLIGATIONS.

SECTION 1104.—The concurrence of two or more creditors, or of two or more debtors in a single obligation, does not imply that each one of the former has a right to ask, nor that each one of the latter is bound to

comply in full with the things which are the object of the same. This shall only take place when the obligation determines it expressly, being constituted as a joint obligation.

SECTION 1105.—If from the context of the obligations referred to in the preceding section any other thing does not appear the credit or the debt shall be presumed as divided in as many equal parts as there are creditors or debtors, being considered as credits or debts, each one different from the other.

SECTION 1106.—If the division should be impossible, the right of the creditors shall only be prejudiced by the collective acts of the same, and the debt shall only be recoverable by proceedings against all of the debtors. If any of the latter should be insolvent, the rest shall not be obliged to pay his share.

SECTION 1107.—Solidarity may exist, even though the creditors and debtors are not bound in the same manner, and for the same periods and under the same conditions.

SECTION 1108.—Each of the joint creditors may do whatever may be profitable to the others, but not what may be prejudicial.

The actions instituted against any one of the joint debtors shall prejudice all of them.

SECTION 1109.—A debtor may pay the debt to any one of the joint creditors; but should it have been sued by any one of them, he must make the payment to the latter.

SECTION 1110.—Novation, compensation, confusion, or remission, of the debt, made by any of the joint creditors, or with any of the debtors of the same class, extinguishes the obligation without prejudice to the provisions of Section 1113.

A creditor who may have executed any of these acts, as well as the person who collects the debt, shall be liable to the others for the part pertaining to them in the obligation.

SECTION 1111.—A creditor may sue any of the joint debtors or all of them simultaneously. The actions instituted against one shall not be an obstacle for those that may be brought subsequently against the others, as long as it does not appear that the debt has been collected in full.

SECTION 1112.—The payment made by any of the joint debtors extinguishes the obligation.

The person who made the payment can only claim from his codebtors the shares pertaining to each one with interest on the amounts advanced.

The nonfulfillment of the obligation by reason of the insolvency of a joint debtor shall be made good by his codebtors in proportion to the debt of each of them.

SECTION 1113.—The waiver or remission made by the creditor of the part affecting one of the joint debtors does not release the latter from his liability with regard to the codebtors in case the debt should have been paid in full by any of them.

SECTION 1114.—If the thing should have perished, or the prestation should have become impossible, without any fault of the joint debtors, the obligation shall be extinguished.

If there should have been any fault on the part of any of them, all shall be liable with regard to the creditor for the value and the indemnity for damages and payments of interest, without prejudice to his action against the culpable or negligent person.

SECTION 1115.—A joint debtor may utilize, against the claim of the creditor, all the exceptions arising from

the nature of the obligation and those which are personal to him. Those personally pertaining to the others may be employed by him only with regard to the share of the debt for which the latter may be liable.

ARTICLE FIFTH.—DIVISIBLE AND INDIVISIBLE OBLIGATIONS.

SECTION 1116.—The divisibility or indivisibility of things, the object of obligations, in which there is one debtor and one creditor, does not change nor modify the provisions of Chapter second of this Title.

SECTION 1117.—An indivisible several obligation is determined by indemnifying for losses and damages from the time any of the debtors fails to comply therewith. The debtors who may have been disposed to perform their obligations shall only contribute to the indemnity a sum equivalent to the corresponding portion of the value of the thing or of the service of which the obligation may consist.

SECTION 1118.—For the purpose of the preceding sections the obligations to give specified things and all those which are not capable of partial fulfillments shall be considered as indivisible.

SECTION 1119.—The obligations of doing shall be divisible when their purpose is the prestation of a number of days of work, the execution of works by units of measurement, or other similar things which by reason of their nature are capable of partial fulfillment.

In obligations of not doing the divisibility or indivisibility shall be decided by the character of the prestation in each particular case.

ARTICLE SIXTH.—OBLIGATIONS WITH A PENAL CLAUSE.

SECTION 1120.—In obligations with a penal clause the penalty shall substitute indemnity for damages and the payment of interest in case of nonfulfillments, should there be no agreement to the contrary.

This penalty can only be enforced when it is demandable in accordance with the provisions of this Code.

SECTION 1121.—The debtor can not exempt himself from the fulfillment of the obligation by paying the penalty, unless such right has been expressly reserved to him. Neither may the creditor exact the fulfillment of the obligation and also the payment of the penalty, unless such right has been clearly granted him.

SECTION 1122.—The Court or Judge shall modify the penalty if the principal obligation should have been partly or irregularly fulfilled by the debtor.

SECTION 1123.—The nullity of the penal clause does not carry with it that of the principal obligation.

The nullity of the principal obligation carries with it that of the penal clause.

CHAPTER IV.

EXTINCTION OF OBLIGATIONS.

GENERAL PROVISIONS.

SECTION 1124.—Obligations are extinguished—

By their payment or fulfillment.

By the loss of the thing due.

By the remission of the debt.

By the merging of the rights of the creditors and debtor.

By compensation.

By novation.

ARTICLE FIRST.—PAYMENT.

SECTION 1125.—A debt shall not be considered as paid until the full amount of the thing has been delivered, or the prestation of which the obligation consisted has been made.

SECTION 1126.—Any person, whether he has an interest or not in the fulfillment of the obligation, and whether the debtor knows and approves it or is not aware thereof, can make the payment.

The person paying for the account of another may recover from the debtor what he may have paid, unless he has done it against his express will.

In such case he can only recover from the debtor in so far as the payment has been useful to him.

SECTION 1127.—A person paying in the name of the debtor, without the knowledge of the latter, can not compel the creditors to subrogate him in his rights.

SECTION 1128.—In obligations to give, the payment made by a person not having the free disposal of the thing due, and capacity to convey it, shall not be valid.

However, if the payment should have consisted in a sum of money or in a thing perishable, no action can be brought against the creditor who may have spent or consumed it in good faith.

SECTION 1129.—In obligations of doing, the creditor can not be compelled to receive the prestation or the services from a third party, when the quality and circumstances of the person of the debtor should have been taken into account in establishing the obligation.

SECTION 1130.—Payment must be made to the person in whose favor the obligation is constituted, or to another authorized to receive it in his name.

SECTION 1131.—The payment made to a person who is incapacitated from managing his property shall be valid in so far as it may have been employed for his benefit.

A payment made to a third person shall also be valid in so far as it may have been beneficial to the creditor.

SECTION 1132.—A payment made in good faith to the person who is in possession of the credit shall release the debtor.

SECTION 1133.—A payment made by the debtor to the creditor after he has been judicially ordered to retain the debt shall not be valid.

SECTION 1134.—The debtor of a thing can not oblige his creditor to receive a different one, even though it should be of equal or greater value to that due,

Neither in obligations of doing can a prestation be substituted by another against the will of the creditor.

SECTION 1135.—If the obligation should consist in the delivery of a thing, not specified or generic, the quality and circumstances of which should not have been expressed, the creditor can not exact one of a superior quality nor can the debtor deliver one of an inferior quality.

SECTION 1136.—Extrajudicial expenses arising from the payment shall be charged to the debtor. With regard to judicial expenses the court shall decide in accordance with the law of civil procedure.

SECTION 1137.—Unless the contract expressly authorizes it the creditor can not be compelled to partially receive the prestations of which the obligation consists.

However, should the debt be in part determined and in part undetermined, the creditor may exact and the debtor may make payment of the former without awaiting for the liquidation of the latter.

SECTION 1138.—Payments of debts of money shall be made in the specie stipulated and, should it not be possible to deliver the specie, in legal silver or gold coin current in Porto Rico.

The delivery of promissory notes to order or drafts

or other commercial paper shall only produce the effects of payment when collected or when, by the fault of the creditor, their value has been affected.

In the meantime the action arising from the original obligation shall be suspended.

SECTION 1139.—Payments shall be made at the place designated in the obligation.

Should it not have been designated, and when a determined thing is to be delivered, the payment shall be made at the place where the thing existed at the time of constituting the obligation.

In any other case the place of payment shall be that of the domicile of the debtor.

APPLICATION OF PAYMENTS.

SECTION 1140.—A person having several debts of the same kind in favor of a single creditor may declare, at the time of making a payment, to which of them it is to be applied.

If the debtor should accept a receipt from the creditor, setting forth the application of the payment, he can not make a claim against it, unless there should be some cause which may invalidate the contract.

SECTION 1141.—If the debt bears interest the payment can not be considered as made on account of the principal until the interest is covered.

SECTION 1142.—When the payment can not be applied according to the preceding rules the debt which is most onerous for the debtor among those which may be due shall be considered as the one paid.

If the latter should have the same nature and charges the payment shall be applied to all pro rata.

PAYMENT BY ASSIGNMENT OF PROPERTY

SECTION 1143.—The debtor may assign his property to creditors in payment of his debts. This assignment releases the former from liability only to the net amount of the property assigned, unless there is an agreement to the contrary. Agreements entered into between the debtor and his creditors with regard to the effect of an assignment shall be made in accordance with the provisions of Title seventeen of this Book and with those of the Law of Civil Procedure.

TENDER OF PAYMENT AND CONSIGNATION.

SECTION 1144.—If the creditor to whom the tender of payment has been made should refuse to accept it, without reason, the debtor shall remain released from all liability by the consignation of the thing due.

The same effect shall be produced by the consignation alone when made in the absence of the creditor, or when the latter should be incapacitated to accept the payment when it is due, and when several persons claim to have a right to collect it, or when the instrument mentioning the obligation has been mislaid.

SECTION 1145.—In order that the consignation of the thing due may release the obligee, notice thereof must previously be given to the persons interested in the fulfillment of the obligation.

Consignation shall have no effect when not strictly in accordance with the provisions governing payment.

SECTION 1146.—Consignation shall be made by depositing the things due at the disposal of the judicial authority before whom the tender shall be proven in a proper case and the notice of the consignation in other cases.

After the consignation has been made the persons interested shall also be notified thereof.

SECTION 1147.—The expenses of the consignation, when proper, shall be charged to the creditor.

SECTION 1148.—After the consignation has been duly made the debtor may request the Court or judge to order the cancellation of the obligation.

Until the creditor may accept the consignation or a judicial decision should be rendered that it was properly done, the debtor may withdraw the thing or amount consigned, leaving the obligation in force.

SECTION 1149.—If, after the consignation has been made, the creditor should authorize the debtor to withdraw it, the former shall lose the preference he may have in the thing. The codebtors and sureties shall be released.

ARTICLE SECOND.—LOSS OF THE THING DUE.

SECTION 1150.—An obligation, consisting in the delivery of a specified thing, shall be extinguished when said thing should be lost or destroyed without fault of the debtor and before he should be in default,

SECTION 1151.—Whenever the thing should be lost, when in the possession of the debtor, it shall be presumed that the loss occurred by his fault and not by a fortuitous event, unless there is proof to the contrary and without prejudice to the provisions of Section 1063.

SECTION 1152.—In obligations to do, the debtor shall also be released when the prestation appears to be legally or physically impossible.

SECTION 1153.—When the debt for a certain and specified thing arises from a crime or misdemeanor the debtor shall not be exempted from the payment of its value, whatever the cause of the loss may have been

unless, having offered the thing to the person who should have received it, the latter should have refused to accept it without reason.

SECTION 1154.—After the obligation is extinguished by the loss of the thing, all the actions which the debtor may have against third persons, by reason thereof shall pertain to the creditor.

ARTICLE THIRD.—REMISSION OF DEBTS.

SECTION 1155.—A remission may be made either expressly or by implication.

Both shall be subject to the provisions governing illegal gifts. An express remission must, furthermore conform, to the forms of a gift.

SECTION 1156.—The surrender, made voluntarily by a creditor to his debtor, of a private instrument proving a credit, implies the renunciation of the action which the former had against the latter.

If in order to invalidate this renunciation, it should be claimed that it is illegal, the debtor and his heirs may support it by proving that the delivery of the instrument was made by virtue of the payment of the debt.

SECTION 1157.—Whenever the private instrument from which the debt appears should be in the possession of the debtor, it shall be presumed that the creditor delivered it of his own will, unless the contrary is proven.

SECTION 1158.—The remission of the principal debt shall extinguish the accessory obligations; but the remission of the latter shall leave the former in force.

SECTION 1159.—The accessory obligation of a pledge shall be considered as remitted, when the thing pledged,

after having been delivered to the creditor, should be in the possession of the debtor.

ARTICLE FOURTH.—CONFUSION OF RIGHTS.

SECTION 1160.—Whenever the characters of creditor and debtor are merged in the same person the obligation is extinguished.

The case in which this confusion take place by virtue of inheritance is excepted, if said inheritance should have been accepted under benefit of inventory.

SECTION 1161.—The confusion which takes place in the person of the debtor or of the principal creditor is beneficial to the sureties. That taking place in any of the latter does not extinguish the obligation.

SECTION 1162.—Confusion does not extinguish debts in severalty, except with regard to the part pertaining the creditor or debtor in whom both characters are merged,

ARTICLE FIFTH.—COMPENSATION.

SECTION 1163.—Compensation shall take place when two persons, in their own right, are mutually creditors debtors of each other.

SECTION 1164.—In order that compensation may be proper it is required:

1. That each of the persons bound should be so principally, and that he be at the same time the principal creditor of the other.
2. That both debts consist of a sum of money or, when the things due are perishable, that they be of the same kind and also of the same quality, if the latter should have been stipulated.
3. That both debts be due.
4. That they be determined and demandable.
5. That none of them is subject to any retention

or suit instituted by a third person, and of which due notice has been given the debtor.

SECTION 1165. Notwithstanding the provisions of the preceding section, the surety may oppose compensation with regard to what the creditor may owe his principal debtor.

SECTION 1166.—A debtor who may have consented to the assignment of rights made by a creditor in favor of a third person, can not oppose, against the assignee, the compensation which should pertain to him against the assignor.

If the creditor gave him notice of the assignment and the debtor did not consent thereto he may oppose compensation for prior debts, but not for subsequent ones.

If the assignment is made without knowledge of the debtor, he may oppose compensation for prior credits, and for subsequent ones, until he should have been informed of the assignment.

SECTION 1167.—Debts payable in different places may be compensated by an indemnity for the expenses of transportation or for the exchange at the place of payment.

SECTION 1168.—Compensation shall not be proper when any of the debts arise from a deposit, or from the obligations of the depositary or borrower.

Neither can it be set off to the creditor for support due by reason of a good consideration.

SECTION 1169.—When a person should have different debts, which may be compensated, the provisions relating to the imputation of payments shall be observed in the order of compensation.

SECTION 1170.—The effect of compensation is to extinguish both debts to the concurrent amount, even

when the creditors and debtors have no knowledge thereof.

ARTICLE SIXTH.—NOVATION.

SECTION 1171.—Obligations may be modified—

1. By the change of their object or principal conditions.
2. By substituting the person of the debtor.
3. By subrogating a third person in the rights of the creditor.

SECTION 1172.—In order that an obligation may be extinguished by another which substitutes it, it is necessary that it should be so expressly declared, or that the old and new be incompatible in all points.

SECTION 1173.—Novation, consisting in the substitution of a debtor in the place of the original one, may be made without the knowledge of the latter, but not without the consent of the creditor.

SECTION 1174.—The insolvency of the new debtor, who may have been accepted by the creditor, shall not revive the action of the latter against the original debtor, unless said insolvency may have been prior, public, and known to the debtor when he transferred his debt.

SECTION 1175.—When the principal obligation is extinguished by reason of the novation, the accessory obligations shall only remain in force in so far as they benefit third persons who have not given their consent thereto.

SECTION 1176.—Novation is void if the original obligation is also so, unless the cause of nullity can be claimed by the debtor only, or the ratification gives validity to acts which were void in their origin.

SECTION 1177.—The subrogation of a third person

in the rights of a creditor can not be presumed, except in the cases expressly mentioned in this Code.

In other cases it shall be necessary to prove it clearly in order that it may be effective.

SECTION 1178.—Subrogation shall be presumed—

1. When a creditor pays another preferred creditor.

2. When a third person, who is not interested in the obligation, pays with the express or implied approval of the debtor.

3. When the person who is interested in the fulfillment of the obligation pays, without prejudice to the effects of the confusion with regard to the share pertaining to him.

SECTION 1179.—A debtor may make the subrogation without the consent of the creditor when, in order to pay the debt, he may have borrowed money in a public instrument, stating his purpose and setting forth in the receipt the origin of the sum paid.

SECTION 1180.—Subrogation transfers to the subrogated the credit, with the corresponding rights, either against the debtor or against third persons, be they sureties or holders of mortgages.

SECTION 1181.—A creditor to whom a partial payment has been made may exercise his right with regard to the balance, with preference to the person subrogated in his place by virtue of the partial payment of the said credit.

CHAPTER V.

PROOF OF OBLIGATIONS.

GENERAL PROVISIONS.

SECTION 1182.—Proof of obligations devolves upon the persons claiming their fulfillment, and that of their extinction upon those opposing it.

SECTION 1183.—Proof may be given by instruments, by confession, by the personal inspection of the court or judge, by experts, by witnesses, and by presumptions.

ARTICLE FIRST.—PUBLIC INSTRUMENTS

SECTION 1184.—Public instruments are those authenticated by a notary or by a competent public official, with the formalities required by law.

SECTION 1185.—Instruments in which a notary public takes part shall be governed by the notarial law.

SECTION 1186.—Public instruments are evidence, even against a third person, of the fact which gave rise to their execution and of the date of the latter.

They shall also be evidence against the contracting parties and their legal representatives with regard to the declarations the former may have made therein.

SECTION 1187.—Public instruments, made for the purpose of impairing a former instrument, between the same parties, shall be effective against third parties only when the contents of the former should have been entered in the proper public registry or in the margin of the original instrument, and in that of the transcript or copy, by virtue of which the third person may have acted.

SECTION 1188.—Copies of public instruments of which there is an original or protocol, contested by those they prejudice, shall have force of proof only when they have been duly collated.

Should there be any difference between the original and the copy the contents of the former shall govern.

SECTION 1189.—Should the original instrument, the protocol, and the original record have disappeared, the following shall constitute evidence:

1.—First copies made by the public official who authenticated them.

2.—Subsequent copies issued by virtue of a judicial mandate, after citing the persons interested.

3.—Those which, without a judicial mandate, may have been taken in the presence of the persons interested and with their consent.

In the absence of the said copies, any other copies, thirty or more years old, shall be evidence, provided they have been taken from the original by the official who authenticated them or by any other in charge of their custody.

Copies less than thirty years old, or which may be authenticated by a public official, in which the circumstances mentioned in the preceding paragraph do not concur, shall serve only as a basis of written evidence.

The force of proof of copies of a copy shall be weighed by the courts according to the circumstances,

SECTION 1190.—The entry in any public registry of an instrument which may have disappeared shall be weighed according to the rules established in the last two paragraphs of the preceding section.

SECTION 1191.—An instrument which is defective by reason of the incompetency of the notary or by reason of any other fault in its form shall be considered as a private instrument when signed by the parties who executed the same.

SECTION 1192.—An instrument acknowledging an agreement or contract proves nothing against the instrument containing the same if by excess or omission they disagree therewith, unless the novation of the former is expressly proven.

PRIVATE INSTRUMENTS.

SECTION 1193.—A private instrument legally ac-

knowledge shall have, with regard to those who signed it and their legal representatives, the same force as a public instrument.

SECTION 1194.—A person against whom a written obligation, which appears signed by him, is set up in court is obliged to declare whether the signature is his or not.

The heirs on the legal representatives of the person obligated may limit themselves to state if they know whether the signature to the obligation is or is not that of their principal.

A refusal, without sufficient cause, to make the statement mentioned in the preceding paragraphs may be construed by the courts as an admission of the authenticity of the instrument.

SECTION 1195.—The date of a private instrument shall be considered, with regard to third persons, only from the date on which it may have been filed or entered in a public registry, from the death of any of those who signed it, or from the date on which it may have been delivered to a public official by virtue of his office.

SECTION 1196.—Entries, registries, and private papers shall be evidence against the person who has written them only in all that may appear clearly stated; but a person who wishes to make use thereof is bound to accept them also in the part prejudicial to him.

SECTION 1197.—A note written or signed by a creditor at the end, in the margin, or on the back of an instrument held by him constitutes evidence in all that may be favorable to the debtor.

The same shall be understood of a note written or signed by the creditor, on the back, in the margin, or at the foot of the duplicate of an instrument or receipt which the debtor may hold.

In either case the debtor who wishes to avail himself of what may be favorable to him shall have to abide by what is prejudicial.

SECTION 1198.—Private instruments executed for the purpose of changing the agreements made in a public instrument shall produce no effect against a third person.

ARTICLE SECOND.—CONFESSION.

SECTION 1199.—Confession may be made either judicially or extrajudicially.

In either case it shall be an indispensable condition for the validity of the confession that it should relate to personal acts of the confessor and that he should have legal capacity to make it.

SECTION 1200.—Confession is evidence against the author.

Exception is made of the case in which compliance with the laws may be evaded by the same.

SECTION 1201.—The confession can not be partially used against him who makes it unless it should refer to different facts, or when a part of the confession is proven by other means, or when, in any particular, it should be contrary to nature or law.

SECTION 1202.—Confession loses its effectiveness only when it is proven that on making it an error of fact was committed.

SECTION 1203.—A judicial confession must be made under oath before a judge of competent jurisdiction, and when he who may be benefitted by it has actual representation in the proceedings.

SECTION 1204.—When a judicial confession under decisory oath is requested, the party from whom it is demanded may ask that the oath be referred to the

adverse party, and should the latter refuse to take it, it shall be considered that the person has confessed.

SECTION 1205.—A decisory oath can not be demanded on incriminating facts nor on questions with regard to which the parties can not compromise.

SECTION 1206.—A confession made under decisory oath, whether deferred or referred, constitutes a proof only in favor or against the parties who submitted to it and their heirs or legal representatives.

No proof with regard to the falsity of said oath shall be admitted.

SECTION 1207.—Extrajudicial confession is considered as an act subject to the judgment of the courts, according to the rules established on evidence.

ARTICLE THIRD.—PERSONAL INSPECTION BY THE JUDGE.

SECTION 1208.—Evidence by personal inspection by the court or judge shall only be effective in so far as it clearly permits the court to judge, by the external appearance of the thing inspected, of the fact which he desires to ascertain.

SECTION 1209.—The inspection made by a court or judge may be weighed in the sentence rendered by another, provided the former has set forth with perfect clearness in the proceedings the details and circumstances of the thing inspected.

ARTICLE FOURTH.—EXPERT EVIDENCE.

SECTION 1210.—This kind of evidence may only be made use of when, in order to weigh the facts, scientific, artistic, or practical knowledge is necessary or advisable.

SECTION 1211.—The value of this evidence and the form in which it is to be given are the subjects of the provisions of the law of civil procedure.

ARTICLE FIFTH.—EVIDENCE OF WITNESSES.

SECTION 1212.—Evidence of witnesses shall be admissible in all cases in which it should not have been expressly forbidden.

SECTION 1213.—All persons, of either sex, who are not disqualified by natural incapacity or by the provisions of law, may be witnesses.

SECTION 1214.—The following are disqualified by natural incapacity:

- 1.—Lunatics or insane persons.
- 2.—The blind and deaf, in those things a knowledge of which depends upon sight and hearing.
- 3.—Minors under 14 years of age.

SECTION 1215.—The following are disqualified by provision of law:

- 1.—Those directly interested in the suit.
- 2.—The ascendants in the suits of their descendants and the latter in those of the former.
- 3.—The father-in-law or mother-in-law in the suits of the son-in-law or daughter-in-law, and vice versa.
- 4.—The husband in the suits of his wife and the wife in those of her husband.
- 5.—Those who, by reason of their rank or profession, are bound to preserve secrecy in the matters relating to their profession or rank.
- 6.—Those specially disqualified to be witnesses to certain instruments.

The provisions of Nos. 2, 3, and 4 are not applicable in suits in which it is intended to prove the birth or death of children, or any private family matter which it may not be possible to verify by other means.

SECTION 1216.—The force of proof of depositions of witnesses shall be weighed by the courts in accordance with the provisions of the law of civil procedure, taking

care to avoid that, by the simple coincidence of some depositions, unless their truthfulness be evident, the affairs may be finally decided in which instruments, private documents, or any basis of written evidence are usually made use of.

ARTICLE SIXTH.—PRESUMPTIONS.

SECTION 1217.—Presumptions are not admissible, except when the fact from which they are to be deduced is fully proven.

SECTION 1218.—Presumptions established by law exempt those favored thereby from producing any further proof.

SECTION 1219.—Presumptions established by law may be destroyed by proof to the contrary, except in the cases in which it is expressly prohibited.

Only a judgment obtained in a suit for revision shall be effective againts the presumption of the *res adjudicata*.

In order that the presumption of the *res adjudicata* may be valid in another suit, it is necessary that, between the case decided by the sentence and that in which the same is invoked, there be the most perfect identity between the things, causes, and persons of the litigants, and their capacity as such.

In questions relating to the civil status of persons, and in those regarding the validity or nullity of testamentary provisions, the presumption of the *res adjudicata* shall be valid against third persons, even if they should not have litigated.

It is understood that there is identity of persons whenever the litigants of the second suit are legal representatives of these who litigated in the preceding suit, or when they are jointly bound with them or by

the relations established by the indivisibility of prestations among those having a right to demand them, or the obligation to satisfy the same.

SECTION 1220.—In order that presumptions not established by law may be admitted as means of evidence, it is indispensable that between the fact demonstrated and the one it is desired to deduce there should exist a precise and direct connection according to the rules of human judgment.

TITLE II.

C O N T R A C T S .

CHAPTER I.

GENERAL PROVISIONS.

SECTION 1221.—A contract exists from the moment one or more persons consent to bind himself or themselves, with regard to another or others, to give something or to render some service.

SECTION 1222.—The contracting parties may make the agreement and establish the clauses and conditions which they may deem advisable, provided they are not in contravention of law, morals, or public order.

SECTION 1223.—The validity and fulfillment of contracts can not be left to the will of one of the contracting parties.

SECTION 1224.—Contracts shall only be valid between the parties who execute them and their heirs, except, with regard to the latter, the case in which the rights and obligations arising from the contract are not transmissible, either by their nature, or by agreement, or by provision of law.

Should the contract contain any stipulation in favor of a third person, he may demand its fulfillment,

provided he has given notice of his acceptance to the person bound before it may have been revoked.

SECTION 1225.—Contracts are perfected by mere consent, and from that time they are binding, not only with regard to the fulfillment of what has been expressly stipulated, but also with regard to all the consequences which, according to their character, are in accordance with good faith, use, and law.

SECTION 1226.—No one can contract in the name of another without being authorized by him or without having his legal representation according to law.

A contract executed in the name of another by one who has neither his authorization nor legal representation shall be void, unless it should be ratified by the person in whose name it was executed before being revoked by the other contracting party.

SECTION 1227.—Oaths shall not be admitted in contracts. If admitted, they shall be considered as not given.

CHAPTER II.

ESSENTIAL REQUISITES FOR THE VALIDITY OF CONTRACTS.

GENERAL PROVISION.

SECTION 1228.—There is no contract unless the following requisites exist:

1. The consent of the contracting parties.
2. A definite object which may be the subject of the contract.
3. The cause for the obligation which may be established.

ARTICLE FIRST.—CONSENT.

SECTION 1229.—Consent is shown by the concurrence of the offer and the acceptance of the thing and the cause which are to constitute the contract.

An acceptance made by letter does not bind the person making the offer, but from the time it came to his knowledge. The contract in such case is presumed as executed at the place where the offer was made.

SECTION 1230.—The following persons can not give consent:

1. Minors who are not emancipated.
2. Lunatics or the insane, and the deaf and dumb who do not know how to write.

3. Married women, in the cases specified by law.

SECTION 1231.—The incapacity, mentioned in the preceding section, is subject to the modifications which are determined by law and is understood without prejudice to the special disqualifications established by the same.

SECTION 1232.—Consent given by error, under violence, by intimidation, or deceit shall be void.

SECTION 1233.—In order that the error may invalidate the consent, it must refer to the substance of the thing, which may be the object of the contract, or to those conditions of the same, which should have been principally the cause of its execution.

An error with regard to the person shall invalidate a contract only when the consideration of the person should have been the principal cause of the same.

A mere error of account shall only give rise to its correction.

SECTION 1234.—Violence exists when, in order to exact the consent, irresistible force is used.

Intimidation exists when one of the contracting parties is inspired with a reasonable and well-grounded fear of suffering an imminent and serious injury to his person or property, or to the person or property, of the spouse, descendants, or ascendants.

In order to classify the intimidation, the age, sex, and status of the person must be considered.

Fear of displeasing the persons to whom obedience and respect are due shall not annul the contract.

SECTION 1235.—Violence or intimidation shall annul the obligation, even if it should have been employed by a third person who did not take part in the contract.

SECTION 1236.—There is deceit when by words or insidious machinations on the part of one of the contracting parties the other is induced to execute a contract which without them he would not have made.

SECTION 1237.—In order that deceit may give rise to the nullity of a contract, it must be serious, and must not have been employed by both of the contracting parties.

Incidental deceit renders the party who employed it liable to indemnify for losses and damages only.

ARTICLE SECOND.—OBJECTS OF CONTRACTS.

SECTION 1238.—All things, even future ones, which are not out of the commerce of man, may be objects of contracts.

Nevertheless, no contract may be executed with regard to future inheritances, except those the object of which is to make a division *inter vivos* of the estate, according to Section 1023.

All services not contrary to good morals may also be the object of a contract.

SECTION 1239.—Things or services which are impossible can not be the object of a contract.

SECTION 1240.—The object of every contract must be a thing determined with regard to its kind. The indetermination of the amount shall not be an obstacle to the existence of the contract, provided it may be pos-

sible to determine it without necessity of a new agreement between the contracting parties.

ARTICLE THIRD.—CONSIDERATION OF CONTRACTS.

SECTION 1241.—In contracts, involving a valuable consideration, the prestation or promise of a thing or services by the other party is understood as a consideration for each contracting party; in remuneratory contracts, the service or benefits remunerated, and in those of pure beneficence, the mere liberality of the benefactor.

SECTION 1242.—Contracts without consideration or with an illicit one have no effect whatsoever. A consideration is illicit when it is contrary to law and good morals.

SECTION 1243.—The statement of a false consideration in contracts shall render them void, unless it be proven that they were based on another real and licit one.

SECTION 1244.—Even though the consideration should not be expressed in the contract, it is presumed that it exists and that it is licit, unless the debtor proves the contrary.

CHAPTER III.

EFFECTIVENESS OF CONTRACTS.

SECTION 1245.—Contracts shall be binding, whatever may be the form in which they may have been executed, provided the essential conditions required for their validity exist.

SECTION 1246.—Should the law require the execution of an instrument or other special formality in order to make the obligations of a contract binding, the contracting parties may compel each other to comply with said

formalities from the moment in which consent and the other requirements, necessary for their validity, have taken place.

SECTION 1247.—The following must appear in a public instrument:

1. Acts and contracts the object of which is the creation, modification, or extinction of property rights on real property.

2. Leases of the same property for six or more years, provided they are to the prejudice third persons.

3. Marriage contracts, and the creation and increase of dowries, whenever it is intended to enforce them against third persons.

4. The assignment, repudiation, and renunciation of hereditary rights or of those of the conugal partnership.

5. The general power for lawsuits and the special ones to be presented in suits; the power to administer property and any other, the object of which is an act drafted or which is to be drafted in a public instrument, or which may prejudice a third person.

6. The assignment of actions or rights arising from an act contained in a public instrument.

All other contracts, in which the amount of the prestations of one of the two contracting parties exceeds 300 dollars, must be reduced to writing even though it be private.

CHAPTER IV.

INTERPRETATION OF CONTRACTS.

SECTION 1248.—If the terms of a contract are clear and leave no doubt as to the intentions of the contracting parties, the literal sense of its stipulations shall be observed.

If the words should appear contrary to the evident intention of the contracting parties, the intention shall prevail.

SECTION 1249.—In order to judge as to the intention of the contracting parties, attention must principally be paid to their acts, contemporaneous and subsequent to the contract.

SECTION 1250.—However general the terms of the contract may be, there should not be understood as included therein things and cases different from those with regard to which the persons interested intended to contract.

SECTION 1251.—If any stipulation of a contract should admit of different meanings, it should be understood in the sense most suitable to give it effect.

SECTION 1252.—The stipulations of a contract should be interpreted in relation to one another, giving to those that are doubtful the meaning which may appear from the consideration of all of them together.

SECTION 1253.—Words which may have different meanings shall be understood in that which may be most in accordance with the nature and object of the contract.

SECTION 1254.—The uses or customs of the country shall be taken into consideration in interpreting ambiguity in contracts, supplying in the same the omission of stipulations which are usually included.

SECTION 1255.—The interpretation of obscure stipulations of a contract must not favor the party occasioning the obscurity.

SECTION 1256.—When it should be absolutely impossible to decide the doubts by the rules established in the preceding sections, if they deal with incidental circumstances of the contract, and said contract involves

a good consideration, they shall be decided in favor of the smallest transmission of rights and interest. Should the contract involve a valuable consideration, the doubt shall be decided in favor of the greatest reciprocity of interests.

Should the doubts, the decision of which is referred to in this section, involve the principal object of the contract so that the intention or will of the contracting parties can not be ascertained, the contract shall be void.

CHAPTER V.

RESCISSION OF CONTRACTS.

SECTION 1257.—Contracts validly executed may be rescinded in the cases established by law.

SECTION 1258.—The following may be rescinded:

1. The contracts which may be executed by guardians without the authorization of the competent District Court provided the persons they represent have suffered *lesion* of more than one-fourth part of the value of the things which may have been the object thereof.

2. Those executed in representation of absentees, provided the latter have suffered the *lesion* referred to in the preceding number.

3. Those executed in fraud of creditors, when the latter can not recover, in any other manner, what is due them.

4. Contracts relating to things in litigation should they have been executed by the defendant without the knowledge and approval of the parties in litigation or of the competent judicial authority.

5. Any other contracts specially determined by law.

SECTION 1259.—Payments made, while in a state of insolvency, by a debtor on account of obligations, which at the time of making, the debtor could not be compelled to fulfill may also be rescinded.

SECTION 1260.—No contract shall be rescinded for *lesion*, excepting the cases mentioned in Nos. 1 and 2 of Section 1258.

SECTION 1261.—The action for rescission is a subsidiary one; it may be enforced only when the person injured has no other legal remedy to obtain reparation for the injury.

SECTION 1262.—Rescission obliges the return of the things which were the objects of the contract, with their fruits and the sum with interest; therefore it can only be carried into effect when the person who may have claimed it can return that which, on his part, he is bound to do.

Neither shall rescission take place when the things which are the object of the contract are legally in the possession of third persons who have not acted in bad faith.

In such case the indemnity for damages may be claimed from the person who caused the *lesion*.

SECTION 1263.—The rescission, referred to in No. 2 of Section 1258, shall not take place in contracts executed with judicial authorization.

SECTION 1264.—Contracts by virtue of which the debtor alienates property, for a good consideration, are presumed to be executed in fraud of creditors.

Alienations for valuable considerations, made by persons against whom a condemnatory judgment, in any instance, has been previously rendered, or a writ of seizure of property has been issued, shall also be presumed fraudulent.

SECTION 1265.—Any person who may have acquired in bad faith things alienated in fraud of creditors must indemnify the latter for the losses and damages caused to them by the alienation whenever, for any reason whatsoever, it should be impossible for him to return them.

SECTION 1266.—The action asking rescission must be brought within four years.

For persons subject to guardianship and for absentees, the four years shall not commence until the incapacity of the former has ceased to exist, or the domicile of the latter is known.

CHAPTER VI.

NULLITY OF CONTRACTS.

SECTION 1267.—Contracts containing the requisites mentioned in Section 1228 may be annulled, even when there should be no "lesion" to the contracting parties, whenever they contain any of the defects which invalidate them according to law.

SECTION 1268.—The action for nullity shall last four years.

This term shall commence to run:

In cases of intimidation or violence from the day on which it has ceased;

In those of error or deceit or falsity of consideration, from the date of the consummation of the contract;

When the purpose of the action is to invalidate contracts made by a married woman, without consent or competent authority, from the date of the dissolution of the marriage;

And when it refers to contracts executed by mi-

nors or incapacitated persons, from the date they were released from guardianship.

SECTION 1269.—The action for nullity of contracts may be brought by those who are principally or subsidiarily obligated by virtue thereof. Persons with capacity cannot, however, allege the incapacity of those with whom they contracted; neither those who caused the intimidation or violence, or employed deceit, or caused the error, can base their action on these defects of the contract.

SECTION 1270.—When the nullity of an obligation has been declared, the contracting parties shall restore to each other the things which have been the object of the contract with their fruits, and the value with its interest, without prejudice to the provisions contained in the following sections.

SECTION 1271.—When the nullity arises from the incapacity of one of the contracting parties, the incapacitated person is not obliged to make restitution, except to the extent he has profited by the thing or by the sum he may have received.

SECTION 1272.—When the nullity arises from the illegality of the consideration or the object of contract, if the fact constitutes a crime or misdemeanor common to both contracting parties, they shall have no action against each other and proceedings shall be instituted against them, and, furthermore, the things or sum which may have been the object of the contract shall be applied as prescribed in the Penal Code with regard to the goods or instruments of the crime or misdemeanor.

This provision is applicable to the case in which there is a crime or misdemeanor on the part of only one of the contracting parties; but the one who is not guilty may recover what he may have given, and shall

not be bound to fulfill what he may have promised.

SECTION 1273.—If the fact of which the illicit consideration consists does not constitute either a crime or misdemeanor, the following rules shall be observed:

1. When both parties are guilty, neither of them can recover what he may have given by virtue of the contract nor claim the fulfillment of what the other party may have offered.

2. When only one of the contracting parties is guilty, he can not recover what he may have given by virtue of the contract, nor demand the fulfillment of what may have been offered him. The other party, who has had nothing to do with the illicit consideration, may reclaim what he may have given without being obliged to fulfill what he has offered.

SECTION 1274.—Whenever a person, who is obliged by a declaration of nullity to return a thing, can not return it because it has been lost, he must return the fruits collected and the value which the thing had when lost, with interest from the same date.

SECTION 1275.—While one of the contracting parties does not return that which he is obliged to deliver by virtue of the declaration of nullity, the other can not be compelled to fulfill, on his part, what is incumbent on him.

SECTION 1276.—The action of nullity is extinguished from the moment the contract may have been validly confirmed.

SECTION 1277.—Only contracts having all the requisites mentioned in Section 1228 can be confirmed.

SECTION 1278.—The confirmation can be made either expressly or in an implied manner. It shall be understood that there is an implied confirmation when, being aware of the cause of the nullity and such cause having

ceased to exist, the person who may have a right to invoke it should execute an act which necessarily implies his wish to renounce such a right.

SECTION 1279.—Confirmation does not require the consent of the contracting parties who are not entitled to exercise the action of nullity.

SECTION 1280.—Confirmation purges the contract of all defects which it may have contained from the moment of its execution.

SECTION 1281.—The action for nullity of a contract shall also be extinguished when the thing which is the object thereof should be lost by fraud or fault of the person having a right to bring the action.

If the cause of the action should be the incapacity of any of the contracting parties, the loss of the thing shall be no obstacle for the action to prevail, unless it has occurred by fraud or fault on the part of the plaintiff after having acquired capacity.

TITLE III.

CONTRACTS RELATING TO PROPERTY BY REASON OF MARRIAGE.

CHAPTER I.

GENERAL PROVISIONS.

SECTION 1282.—Persons who may be joined in matrimony may, before celebrating it, execute contracts, stipulating the conditions for the conjugal partnership with regard to present and future property, without any other limitations than those mentioned in this Code.

In the absence of contracts relating to property it shall be understood that the marriage has been contracted under the system of legal conjugal partnership.

SECTION 1283.—In the contracts referred to in the

preceding section the contracting parties can not stipulate anything contrary to law or morality, nor humiliating to the authority within the family pertaining respectively to the future spouses.

All stipulations not in accordance with the provisions of this section shall be considered void.

SECTION 1284.—There shall also be considered as void and as not written in the contracts mentioned in the two preceding sections the stipulations by which the contracting parties in a general manner stipulate that the property of the spouses shall be submitted to the local laws and special customs and not to the general provisions of this Code.

SECTION 1285.—A minor who can marry in accordance with law may also execute his marriage contract, but it shall be valid only when in its execution the persons designated by law to give consent to the minor to contract marriage take part therein.

In case the marriage contract should be void, because the concurrence and signature of the said persons are lacking and the marriage, however, is valid according to law, it shall be understood that the minor has contracted it under the system of conugal partnership.

SECTION 1286.—In order that any change in the marriage contract be valid it must be made before the celebration of the marriage and in the presence and with the concurrence of the persons who took part in the contract as contracting parties. The attendance of the same witnesses shall not be necessary.

Any of the persons who attended the execution of the original contract can only be substituted by another, or his attendance may not be required when, by reason of death or any other legal reason, at the time of the

execution of the new stipulation or the modification of the preceding one, attendance is impossible or should not be necessary according to law.

SECTION 1287.—After the marriage has been celebrated, the marriage contract executed prior thereto can not be changed, whether present or future property is involved.

SECTION 1288.—Marriage contracts and modifications made therein must be contained in a public instrument executed before the celebration of the marriage.

Property in the condition referred to in Section 1291 is excepted from the preceding rule.

SECTION 1289.—Any modification which may be made in the marriage contract shall have no legal effect with regard to third persons if it does not include the following conditions:

1. That in the proper protocol, by a marginal note, reference be made to the notarial act or instrument containing the modification of the previous contract; and
2. That in case the original contract may be entered in the registry of property, the instrument by which it has been modified, be also entered.

The notary shall state these modifications in the authenticated copies of the stipulations or original contract he may issue, under the penalty of indemnifying the parties for losses and damages should he not do so.

SECTION 1290.—For the validity of a marriage contract, executed by a person against whom a sentence of civil interdiction or incapacity has been rendered, or against whom a suit for the same cause has been instituted, the attendance and consent of the guardian shall be indispensable, who for this purpose shall be appointed, by the proper persons, according to the provisions of this Code and of the law of civil procedure.

SECTION 1291.—Whenever the property brought by the spouses is not real estate, and that of the husband and wife together does not exceed five hundred dollars and there should be no notary in the town of their residence, the marriage contract may be executed before the secretary of the municipal council and two witnesses, who shall state, on their liability, that they know said property has been delivered or that it has been brought to the marriage, as the case may be.

The original contract or contracts shall be preserved in the registry in the archives of the proper municipality.

When, in the property brought to the marriage, whatever its value may be, there should be one or more estates, or the contracts relate to real property, they shall always be executed in a public instrument, before a notary, as prescribed in Section 1288.

SECTION 1292.—Should the marriage be contracted in a foreign country, between a Porto Rican and a foreign woman or between a foreigner and a Porto Rican woman, and the contracting parties should not state or stipulate anything with regard to their property, it shall be understood, when the husband is a Porto Rican that he marries under the system of the legal conjugal partnership, and when the wife is a Porto Rican that she marries under the system of laws in force in the husband's country, all without prejudice to what is established in this Code with regard to real property.

SECTION 1293.—All that is agreed to in the stipulations or contracts referred to in the preceding sections, in contemplation of a future marriage, shall be void and of no effect in case the marriage does not take place.

CHAPTER II.

GIFTS BY REASON OF MARRIAGE.

SECTION 1294.—Gifts by reason of marriage are those bestowed before its celebration, in consideration of the same, and in favor of one or of both spouses.

SECTION 1295.—These gifts are governed by the rules established in Title second, Book third, in so far as they are not modified by the following sections.

SECTION 1296.—Minors may bestow and receive gifts in their antenuptial contracts, provided they are authorized by persons who must give their consent to contract marriage.

SECTION 1297.—Acceptance is not required for the validity of such gifts.

SECTION 1298.—Affianced persons may give each other in their marriage contract as much as the tenth part of their actual property and with regard to future property in case of death, only a portion within the limit fixed by the provisions of this Code relating to testate succession.

SECTION 1299.—The donor, by reason of marriage, must free the property bestowed as a gift from mortgages and any other charges thereon, except annuities (*censos*) and easements, unless in the marriage stipulations or contract the contrary may have been specified.

SECTION 1300.—A gift bestowed by reason of marriage may be revoked only in the following cases:

1. If it should be conditional and the condition should not be fulfilled.
2. If the marriage should not take place.
3. If the persons should marry without having obtained the consent in accordance with the provisions of this Code.

SECTION 1301.—All gifts between spouses bestowed during the marriage shall be void.

Moderate gifts which spouses bestow on each other on festive days for the family are not included in this rule.

SECTION 1302.—All gifts bestowed during marriage by one of the spouses upon the children, whom the other spouse may have had by another marriage, or upon the persons of whom he or she is a presumptive heir, at the time of the gift, shall be void.

CHAPTER III.

DOWRY.

ARTICLE FIRST.—THE CREATION AND GUARANTEE OF DOWRY.

SECTION 1303.—A dowry is composed of the property and rights brought as such by the wife to the marriage at the time of contracting it, and of those which she acquires during the same by gift, inheritance, or legacy, as dowry property.

SECTION 1304.—The parents and relatives of the spouses and the persons not belonging to the family may create the dowry in favor of the wife, either before or after the celebration of the marriage.

The husband may also create it before the marriage, but not after it.

SECTION 1305.—A dowry created before or at the time of the celebration of the marriage shall be governed in all that is not provided in this Chapter by the rules for gifts made in consideration thereof. A dowry created after the marriage shall be governed by the rules for ordinary gifts.

SECTION 1306.—The father or the mother, or whichever one of them is alive, is bound to give a dowry to his or her legitimate daughters, except in the cases in

which they should need their consent, according to law, to contract marriage and marry without obtaining it.

SECTION 1307.—The obligatory dowry referred to in the preceding section shall consist in a moiety of the presumptive rigorous legal portion. Should the daughter have property equivalent to the moiety of her legal portion, this obligation shall cease, and should the value of the property not cover the moiety of the legal portion, the donor shall supply the balance required to complete it.

In any case, it is prohibited to make investigations with regard to the fortune of the parents in order to determine the amount of the dowry, and the courts, in an act of voluntary jurisdiction, shall regulate it without any further investigation than the statements of the parents who are to give the dowry and those of the two nearest male relatives of the daughter, who are of age, one of the paternal line and the other of the maternal, residing in the same place or within the judicial district.

In the absence of relatives of age, the courts shall decide, in the exercise of their discretion, by the statements of the parents only.

SECTION 1308.—The parents may comply with the obligation of giving dowries to their daughters, either by delivering to them the principal of the dowry or by paying them an annual income as fruits or interest thereof.

SECTION 1309.—When the husband alone or both spouses jointly create a dowry for their daughters, it shall be paid from the property of the conjugal partnership. Should there be no property, it shall be paid by moieties, or in the proportion in which the parents may have, respectively, bound themselves, with the property belonging to each spouse. If the wife alone

should grant the dowry, what she has given or promised shall be taken from her own property.

CHAPTER IV.

CONJUGAL PARTNERSHIP.

ARTICLE FIRST.—GENERAL PROVISIONS.

SECTION 1310.—By virtue of the conjugal partnership the earnings or profits indiscriminately obtained by either of the spouses during the marriage shall belong to the husband and the wife, share and share alike, upon the dissolution of the marriage.

SECTION 1311.—The conjugal partnership shall always begin on the same day that the marriage is celebrated. Any stipulation to the contrary shall be void.

SECTION 1312.—This partnership can not be renounced during the marriage, except in case of judicial separation.

When the renunciation should take place by reason of a separation, or after the marriage has been dissolved or annulled, said renunciation shall be included in a public instrument, and the creditors shall have the right granted them in Section 967.

SECTION 1313.—The conjugal partnership shall be governed by the rules of articles of partnership in all that does not conflict with the express provisions of this Chapter.

ARTICLE SECOND.—PROPERTY BELONGING TO EACH OF THE SPOUSES.

SECTION 1314.—The following is the separate property of each of the spouses:

1. That brought to the marriage as his or her own.
2. That acquired for a good consideration by either of them during the marriage.

3. That acquired by right of redemption or by exchange for other property belonging to one of the spouses only.

4. That bought with money belonging exclusively to the wife or to the husband.

SECTION 1315.—In case that any credit, payable within a certain number of years, or a pension for life belongs to either of the spouses, the provisions of Sections 1317 and 1318 shall be observed in order to determine what constitutes the dowry and what forms the capital of the husband.

ARTICLE THIRD.—PROPERTY OF THE CONJUGAL PARTNERSHIP.

SECTION 1316.—To the conjugal partnership belong:

1. Property acquired for a valuable consideration during the marriage at the expense of the partnership property, whether the acquisition is made for the partnership or for one of the spouses only.

2. That obtained by the industry, salaries, or work of the spouses or of either of them.

3. The fruits, income, or interest collected or accrued during the marriage, coming from the partnership property, or from that which belongs to either one of the spouses.

SECTION 1317.—Whenever a sum or credit, payable in a certain number of years, belongs to one of the spouses, the sums collected for installments due during the marriage shall not be partnership property, but shall be considered as capital of the husband or of the wife, according to whom the credit belongs.

SECTION 1318.—The right to a usufruct or pension, belonging to one of the spouses, either in perpetuity or for life, shall form part of his or her own property; but

the fruits, pensions, and interest due, during the marriage, shall be partnership property.

In this provision is included the usufruct which the spouses have in the property of their children, even though they be of another marriage.

SECTION 1319.—The useful expenses made on behalf of the private property of either one of the spouses through advances made by the partnership or by the industry of husband or wife are partnership property.

Buildings constructed during the marriage, on land belonging to one of the spouses shall also belong to the partnership, but the value of the land shall be paid to the spouse owning the same.

SECTION 1320.—Wherever the property belonging to the husband or to the wife should consist, in whole or in part, of cattle existing at the time of the dissolution of the partnership, the heads of cattle exceeding the number which were brought to the marriage, shall be considered as partnership property.

SECTION 1321.—The earnings obtained by the husband or wife by gambling, or proceeding from other causes exempted from restitution, shall belong to the conjugal partnership, without prejudice in a proper case, to the provisions of the Penal Code.

SECTION 1322.—All the property of the marriage shall be considered as partnership property until it is proven that it belongs exclusively to the husband or to the wife.

ARTICLE FOURTH.—CHARGES AND OBLIGATIONS OF THE
CONJUGAL PARTNERSHIP.

SECTION 1323.—The conjugal partnership shall be liable for:

1. All the debts and obligations contracted during

the marriage by the husband, and also for those contracted by the wife in the cases in which she can legally bind the partnership.

2. The arrears or interest, matured during the marriage, of obligations which affect the private property of the spouses as well as the partnership property.

3. The minor repairs or of mere preservation, made during the marriage, to the private property of the husband or the wife. Extensive repairs shall not be chargeable to the partnership.

4. Extensive or minor repairs to the property of the partnership.

5. The support of the family and the education of the children in common, and of the legitimate children of one of the spouses only.

SECTION 1324.—The conjugal partnership shall also bear the amount of what has been bestowed as a gift or promised to the children in common by the husband, only for their establishment or for a profession, or by both spouses by common consent, should they not have agreed that it should be paid in whole or in part out of the private property of one of them.

SECTION 1325.—The payment of debts contracted by the husband or by the wife, before marriage, shall not be borne by the partnership.

Neither shall it bear the payment of fines or of pecuniary condemnations which may be imposed on either of them.

However, the payment of debts contracted by the husband or by the wife, prior to the marriage, and that of fines and condemnations imposed on either of them, may be claimed against the partnership property, after covering the expenses, mentioned in Section 1323, if the debtor spouse should have no private capital, or

were it insufficient; but at the time of the liquidation of the partnership the payments, made for the specified causes, shall be charged to said spouse.

SECTION 1326.—What has been lost and paid for during marriage by either of the spouses, in any kind of game whatsoever, shall not diminish his or her respective share in the partnership.

Whatever has been lost and not paid for by either of the spouses in licit games shall be charged to the conjugal partnership.

ARTICLE FIFTH.—ADMINISTRATION OF THE CONJUGAL PARTNERSHIP.

SECTION 1327.—The husband is the administrator of the conjugal partnership, with the exception of what is prescribed in Sections 81 and 82, of Chapter VI, Title V, of Book first of this Code.

SECTION 1328.—Notwithstanding the power which the husband has as administrator he shall not have the power to give, to sell and to bind for a consideration the real estate of the conjugal partnership, without the express consent of the wife.

Every sale or agreement which the husband may make in respect to the said property in violation of this section and the other provisions of this Code, or in fraud of the wife shall be null and shall not prejudice her or her heirs.

SECTION 1329.—The husband may dispose by will of his half of the property of the conjugal partnership only.

ARTICLE SIXTH.—DISSOLUTION OF THE CONJUGAL PARTNERSHIP.

SECTION 1330.—The community of goods terminates when the marriage is dissolved in the cases indicated in this Code or is declared null.

The spouse who by bad faith has been the cause of the nullity shall not have a share in the common property.

The conjugal partnership shall also terminate in the cases enumerated in Section 1343.

ARTICLE SEVENTH.—LIQUIDATION OF THE PROPERTY OF THE
CONJUGAL PARTNERSHIP.

SECTION 1331.—Upon the dissolution of the partnership an inventory shall immediately be made; but the same shall not be required for the liquidation:

1. When, after the partnership has been dissolved, one of the spouses or his or her legal representatives have at the proper time renounced its effects and consequences.

2. When the separation of the property may have preceded the dissolution of the partnership.

3. In the case to which the second paragraph of the preceding section refers.

In case of renunciation, the right granted creditors by Section 1068 shall always be reserved.

SECTION 1332.—The inventory shall include specifically for the purpose of collating them the sums which, having been paid by the conjugal partnership, are to be deducted from the capital of the husband or of the wife.

The amount of the gifts and alienations which must be considered illegal or fraudulent, in accordance with Section 1328, shall also be brought to collation.

SECTION 1333.—There shall not be included in the inventory the effects constituting the conjugal couch ordinarily used. These effects, as well as the clothing and dresses ordinarily used by the deceased spouse, shall be delivered to the surviving one.

SECTION 1334.—After the debts, charges, and obligations of the partnership have been paid, the capital of the husband and of the wife shall be liquidated and paid, in so far as the inventoried estate may reach, making the proper deductions according to the rules which are elsewhere prescribed in with regard to dowry.

SECTION 1335.—After the deductions from the inventoried estate specified in the preceding section have been made, the remainder of the same estate shall constitute the assets of the conjugal partnership.

SECTION 1336.—The losses or deterioration which the personal property, belonging to either of the spouses, may have suffered even though by a fortuitous event, shall be paid out of the conjugal property, should there be any.

Those suffered by the real property shall not be payable in any case.

SECTION 1337.—The net remainder of the partnership property shall be divided, share and share alike, between the husband and the wife, or their respective heirs.

SECTION 1338.—The mourning apparel of the widow shall be paid out of the estate of the inheritance of the husband. The heirs of the husband shall pay it according to his standing and means.

SECTION 1339.—With regard to making the inventory, rules for the appraisal and sale of the property, and all other particulars, not expressly fixed in this Chapter, the prescriptions of Article fifth, Chapter fifth, Title third, Book third, and Articles second and third, Chapter third of this Title shall be observed.

SECTION 1340.—Support shall be given out of the property owned in common to the surviving spouse and

to his or her children, pending the liquidation of the inventoried estate and until their share has been delivered to them, but it shall be deducted from their portion in so far as it exceeds what they should have received as fruits or income.

SECTION 1341.—Whenever the liquidation of the partnership property of two or more marriages contracted by the same person may have to be made simultaneously in order to determine the funds of each partnership, every kind of proof shall be admitted, in the absence of inventories, and in case of doubt, the partnership property shall be divided between the different partnerships in proportion to the time of their duration and to the property owned by the respective spouses.

CHAPTER V.

SEPARATION OF THE PROPERTY OF THE SPOUSES AND ITS ADMINISTRATION BY THE WIFE DURING MARRIAGE.

SECTION 1342.—In the absence of a specific declaration of the marriage contract, the separation of the property of the spouses during the marriage, shall not take place except by virtue of a judicial decree.

SECTION 1343.—The husband and the wife may request the separation of the property, and it shall be decreed, whenever the spouse of the plaintiff should have been condemned to a penalty which includes civil interdiction, or should have been declared an absentee, or should have given cause for divorce.

In order that the separation may be decreed, it shall be sufficient to present the final judgment rendered against the guilty or absent spouse in each one of the three cases above mentioned.

SECTION 1344.—After the separation of property has

been ordered the conjugal partnership shall be dissolved, and its liquidation shall be made according to the provisions of this Code.

Nevertheless, the husband and the wife shall mutually attend to their support during the separation, and to the support of the children, as well as to their education, each one in proportion to his or her respective means.

SECTION 1345.—The separation of the property shall not prejudice rights previously acquired by creditors.

SECTION 1346.—If the separation should cease because the causes have disappeared, the property of the marriage shall again be governed by the same rules as before the separation, without prejudice to what may have been legally done during the same.

At the time of reunion the spouses shall specify in a public instrument the property which they bring anew, and said property shall be that forming the private estate of each one of them respectively.

In the case mentioned in this section, all said property shall always be considered as new property brought to the marriage, even though it be the same, either partially or wholly; which existed before the liquidation made by reason of the separation.

SECTION 1347.—The administration of the property belonging to the marriage shall be transferred to the wife when her husband is incapacitated or absent.

TITLE IV

CONTRACT OF PURCHASE AND SALE.

CHAPTER I.

NATURE AND FORM OF THIS CONTRACT.

SECTION 1348.—By a contract of purchase and sale one of the contracting parties binds himself to deliver a

specified thing and the other to pay a certain price therefor in money or in something representing the same.

SECTION 1349.—If the price of the sale should consist partly in money and partly in something else, the contract shall be judged by the manifest intention of the contracting parties. When this intention should not appear, the contract shall be considered as a barter if the value of the thing given as a part of the price exceeds that of the money or its equivalent, and otherwise it shall be considered as a sale.

SECTION 1350.—In order that the price may be considered fixed, it shall be sufficient that it be fixed with regard to another determinate thing also specific, or that the determination of the same be left to the judgment of a specified person.

Should such person not be able to or not wish to fix the price, the contract shall be of no effect.

SECTION 1351.—The price of securities, grain, liquids, and of other perishable things shall also be considered as fixed when the prices fixed are the same as the things, if sold, would have on a certain day on exchange or on the market, or when a certain amount is fixed above or below the price of such day, on exchange or on the market, provided said price be fixed.

SECTION 1352.—The determination of the price can never be left to the judgment of one of the contracting parties.

SECTION 1353.—The sale shall be perfected between vendor and vendee and shall be binding on both of them, if they have agreed upon the thing which is the object of the contract and upon the price, even when neither has been delivered.

SECTION 1354.—A promise to sell or buy, there being an agreement as to the thing and price, gives a right to

the contracting parties to mutually demand the fulfillment of the contract.

Whenever the promise to purchase and sell can not be fulfilled the provisions relating to obligations and contracts of this Book shall be observed by the vendor and by the vendee, as the case may be.

SECTION 1355.—The injury to or the profit of the thing sold shall, after the contract has been perfected, be governed by the provisions of Sections 1063 and 1150

This rule shall be applied to the sale of perishable things, made independently and for a single price, or without consideration as to weight, number, or measure.

If the perishable things should be sold for a price fixed with regard to weight, number, or measure, the risk shall not be charged to the vendee, until they have been weighed, counted, or measured, unless the latter should be in default.

SECTION 1356.—A sale, made subject to approval or trial of the things sold, and the sales of things which it is usual to test or try before being received, shall always be considered as made under a condition precedent.

SECTION 1357.—When earnest money or a pledge has been given in the contract of purchase and sale, the contract may be rescinded, if the vendee should agree to forfeit the money or the vendor to return double the amount.

SECTION 1358.—The expense of the execution of the instrument shall be for the account of the vendor, and those of the first copy and those subsequent to the sale shall be charged to the vendee, unless there is an agreement to the contrary.

SECTION 1359.—Forcible alienation by reason of pub-

lic utility shall be governed by the provisions of special laws.

CHAPTER II.

CAPACITY TO PURCHASE OR SELL.

SECTION 1360.—A contract of purchase and sale may be executed by all persons who, according to this Code, are authorized to bind themselves, excepting the modifications contained in the following sections.

SECTION 1361.—The husband and the wife can not mutually sell property to each other, except in case the separation of property has been agreed upon or when a judicial separation of the said property should have taken place, authorized in accordance with the provisions of Chapter sixth, Title third, of this Book.

SECTION 1362.—The following persons can not acquire by purchase, even at public or judicial auction, neither in person nor by an agent:

1. The guardian, the property of the persons or persons who may be under their guardianship.
2. Agents, the property the administration or sale of which may have been intrusted to them.
3. Executors, the property intrusted to their care.
4. Public officials, the property of the people of Porto Rico, municipalities, towns, and also of public institutions, the administration of which has been intrusted to them.

This provision shall apply to judges and experts who, in any manner whatsoever, take part in the sale.

5. Judges, members of the department of public prosecution, clerks of superior and inferior courts, and officials of justice, the property and rights in litigation before the court in the jurisdiction or territory over

which their respective duties, this prohibition including the act of acquiring by assignment.

From this rule shall be excepted the cases in which hereditary actions among coheirs are involved, or assignments in payment of debts, or security for the goods they may possess.

The prohibition contained in this number shall include the lawyers and solicitors with regard to the property and rights, which may be the object of the litigation, in which they may take part by virtue of their profession and office.

CHAPTER III.

EFFECTS OF THE CONTRACT OF PURCHASE AND SALE WHEN THE THING SOLD HAS BEEN LOST.

SECTION 1363.—If, at the time of making the sale, the thing which is the object thereof has been wholly lost, the contract shall be of no effect.

But if the thing should be lost in part only, the vendee shall choose between withdrawing from the contract or demanding the existing part, paying its price, in proportion to the total sum agreed upon.

CHAPTER IV.

OBLIGATIONS OF THE VENDOR.

ARTICLE FIRST.—GENERAL PROVISION.

SECTION 1364.—A vendor is bound to deliver and warrant the thing which is the object of the sale.

ARTICLE SECOND.—DELIVERY OF THE THING SOLD.

SECTION 1365.—A thing sold shall be considered as delivered, when it is placed in the hands and possession of the vendee.

When the sale should be made by means of a pub-

lic instrument, the execution thereof shall be equivalent to the delivery of the thing which is the object of the contract, if in said instrument the contrary does not appear or may be clearly inferred.

SECTION 1366.—With the exception of the cases mentioned in the preceding section, the delivery of personal property shall be made by the delivery of the keys of the place or depository where it is stored or kept, and by the mere consent and agreement of the contracting parties, if the thing sold can not be transferred to the possession of the vendee, at the time of the sale, or if the latter already held it in his possession for any other reason.

SECTION 1367.—With regard to incorporeal things, the provisions of the second paragraph of Section 1365 shall govern. In any other cases in which it can not be applied, the placing of the titles of ownership in the possession of the vendee or the use which he may make of his right with the consent of the vendor shall be considered as a delivery.

SECTION 1368.—The cost of the delivery of the thing sold shall be borne by the vendor, and those of its removal or transportation by the vendee, except in case of a special stipulation.

SECTION 1369.—The vendor shall not be bound to deliver the thing sold, if the vendee should not have paid the price, or if a period for the payment has not been fixed in the contract.

SECTION 1370.—Neither shall the vendor be obliged to deliver the thing sold when a delay or time for payment may have been agreed upon, and it should be discovered after the sale that the vendee is insolvent to such a degree that the vendor is in imminent danger of losing the price.

From this rule is excepted the case in which the vendee gives security for the payment within the time agreed upon.

SECTION 1371.—The vendor must deliver the thing sold in its condition at the time of the completion of the contract.

All the fruits shall belong to the vendee from the day on which the contract was perfected.

SECTION 1372.—The obligation to deliver the thing sold includes that of placing in the possession of the vendee all that is mentioned in the contract, according to the following rules:

If the sale of real property should be made with a statement of its area, at the rate of a certain price for a unit of measure or number, the vendor shall be obliged to deliver to the vendee, if the latter should require it, all that may have been mentioned in the contract; but should this not be possible, the vendee may choose between a proportional reduction in the price or the rescission of the contract, provided that in the latter case the decrease in the real estate is not less than one-tenth of the area given it.

The same shall be done, even when the area appears to be the same, if any part of the real estate is not of the character mentioned in the contract.

The rescission in such case shall only take place at the will of the vendee, when the inferior value of the thing sold exceeds one-tenth of the price agreed upon.

SECTION 1373.—If in the case of the preceding section there is greater area or number in real estate than those mentioned in the contract, the vendee shall be obliged to pay the price of the excess if the greater area or number should not exceed one-twentieth of

those mentioned in the contract; but should it surpass said one-twentieth, the vendee may choose between paying the greater value of the estate or withdrawing from the contract.

SECTION 1374.—In the sale of real estate made for a fixed price and not at the rate of a specified sum for a unit of measure or number, the increase or decrease of the same shall not be considered, even when greater or less area or amount than that stated in the contract may be found.

The same shall take place when two or more estates should be sold for a single price; but, if besides mentioning the boundaries, which are indispensable in every conveyance of real estate, their area and number should be designated in the contract, the vendor shall be obliged to deliver all that is included within said boundaries, even when they exceed the area or number specified in the contract; and, should he not be able to do it, he shall suffer a reduction in the price, in proportion to what is lacking in the area or number, unless the contract be annulled by reason of the vendee not accepting the failure to deliver what had been stipulated.

SECTION 1375.—The actions arising from the three preceding sections shall prescribe after six months, counted from the day of the delivery.

SECTION 1376.—If the same thing should have been sold to different vendees, the ownership shall be transferred to the person who may have first taken possession thereof in good faith, if it should be personal property.

Should it be real property, it shall belong to the person acquiring it who first recorded it in the registry.

Should there be no entry, the property shall belong

to the person who first took possession of it in good faith, and, in the absence thereof, to the person who presents the oldest title, provided there is good faith.

ARTICLE THIRD.—WARRANTY.

SECTION 1377.—By virtue of the warranty referred to in Section 1364 the vendor shall warrant to the vendee:

1. The legal and peaceful possession of the thing sold.
2. That there are no hidden faults or defects therein.

§ 1^o

WARRANTY IN CASE OF EVICTION.

SECTION 1378.—Eviction shall take place when by a final judgment, and by virtue of a right prior to the sale, the vendee is deprived of the whole or of a part of the thing purchased.

The vendor shall be liable for the eviction even though no stipulation has been included in the contract on the subject.

The contracting parties may, however, increase, decrease, or suppress this legal obligation of the vendor.

SECTION 1379.—Any stipulation exempting the vendor from obligation of answering for the eviction shall be void, provided there should be bad faith on his part.

SECTION 1380.—If a vendee should have renounced the right of warranty in the case of eviction and it occurs, the vendor must deliver only the price which the thing had at the time of the eviction, unless the vendee has made the renunciation knowing the risk of eviction and submitting to its consequences.

SECTION 1381.—If a warranty should have been stipulated, or if nothing has been agreed upon on this

point, if the eviction has taken place, the vendee shall have the right to demand of the vendor—

1. The restitution of the price which the thing sold had at the time of the eviction, whether it be greater or less than that of the sale.

2. The fruits or proceeds, should he have been adjudged to deliver them to the person who won the suit instituted against him.

3. The costs of the suit which caused the eviction, and, in a proper case, those of the suit instituted against the vendor for the warranty.

4. The expenses of the contract, if the vendee should have paid them.

5. The damages and interest and the voluntary expenses or of mere recreation or ornamentation, should the sale have been made in bad faith.

SECTION 1382.—Should the vendee lose, on account of the eviction, a part of the thing sold of such importance, in relation to the whole, that he would not have purchased it without said part, he may demand the rescission of the contract; but with the obligation to return the thing without other charges than those it had when he acquired it.

The same provision shall be observed when two or more things should be jointly sold for a lump sum, or a special price for each one of them, should it clearly appear that the vendee would not have purchased one without the other.

SECTION 1383.—A warranty can not be demanded until a final judgment may have been rendered by which the vendee should be adjudged to lose the thing acquired or a part thereof.

SECTION 1384.—The vendor shall be obligated to the proper warranty whenever it is proved that he was gi-

ven notice of the suit for eviction at the instance of the vendee. In the absence of this notice the vendor shall not be bound to the warranty.

SECTION 1385.—A defendant vendee shall request within the period fixed in the law of civil procedure for answering the suit that notice thereof be given to the vendor or vendors within the shortest period possible.

This notification shall be made in the manner established in said law for the summoning of defendants.

The time to answer granted to the vendee shall be suspended until the expiration of that granted the vendor or vendors to appear and answer the complaint, and which periods shall be the same as those granted all defendants by the aforesaid law of civil procedure, counted from the notification prescribed in the first paragraph of this section.

Should the persons summoned for eviction not appear in the proper time and manner, the period in which to answer the suit shall continue with regard to the vendee.

SECTION 1386.—If the estate sold should be encumbered by any nonapparent burden or easement, not mentioned in the instrument, of such a nature that it must be presumed that the vendee would not have acquired it had he been aware thereof, he may request the rescission of the contract, unless he should prefer the proper indemnity.

During a year, to be counted from the date of the execution of the instrument, the vendee may either institute the rescissory action or request the indemnity.

After the lapse of one year, he can only demand such indemnity within an equal period, to be counted from the date on which the incumbrance or easement was discovered by him.

§ 2°

WARRANTY AGAINST HIDDEN DEFECTS OF OR BURDENS ON THE
THING SOLD.

SECTION 1387.—The vendor is bound to give a warranty against hidden defects which the thing sold may have should they render it unfit for the use to which it was destined, or if they should diminish said use in such manner that had the vendee had knowledge thereof he would not have acquired it or would have given a lower price for it; but said vendor shall not be liable for the patent defects or those which may be visible, neither for those which are not visible if the vendee should be an expert and who by reason of his trade or profession should easily perceive them.

SECTION 1388.—The vendor is liable to the vendee for the warranty against faults or hidden defects in the things sold, even when they should be unknown to him.

This provision shall not obtain if the contrary should have been stipulated and the vendor should not have been aware of said faults or hidden defects.

SECTION 1389.—In the cases of the two preceding sections the vendee may chose between withdrawing from the contract, the expenses which he may have incurred being returned to him, or demanding a proportional reduction of the price, according to the judgment of experts.

If the vendor knew of the faults or hidden defects in the thing sold and did not give notice thereof to the vendee, the latter shall have the same option, and, furthermore, be indemnified for the losses and damages should he chose the rescission.

SECTION 1390.—If the thing sold should be lost on

account of hidden faults and the vendor was aware of them, he shall bear the loss, and return the price and pay the expenses of the contract with losses and damages. If he was not aware thereof, he shall only return the price and pay the expenses of the contract which the vendee may have paid.

SECTION 1391.—If the thing sold had any hidden fault at the time of the sale, and should be lost afterwards by a fortuitous event or by fault of the vendee, the latter may demand of the vendor the price he paid, deducting the value the thing had when lost.

If the vendor acted in bad faith, he must pay losses and damages to the vendee.

SECTION 1392.—There shall be no liability for losses and damages in judicial sales, but all the other provisions of the preceding section shall be applied.

SECTION 1393.—Actions arising from the provisions of the five preceding sections shall be extinguished after six months, counted from the delivery of the thing sold.

SECTION 1394.—If two or more animals should be sold together, whether it be for a lump sum or for a special price for each of them, the redhibitory vice of each one shall only cause the redhibition of the same and not that of the others, unless it appears that the vendee would not have purchased the sound one or ones without the defective animal.

This is presumed when a team, yoke, pair, or set is bought, even when a special price has been fixed for each one of the animals composing the same.

SECTION 1395.—The provisions of the preceding section with regard to the sale of animals, is understood as applicable also to the sale of other things.

SECTION 1396.—Warranty for the hidden vices of animals and cattle shall not obtain in sales made at

fairs or at public auctions, nor in the sale of riding beasts, sold as condemned, except in the case prescribed in the following section.

SECTION 1397.—Animals and cattle suffering from contagious diseases shall not be the object of a contract of sale. Any contract made with regard to the same shall be void.

A contract of sale of cattle and animals shall also be void, when the use or service for which they are acquired being stated, they are found to be useless therefor.

SECTION 1398.—If the hidden vice of animals, even if a professional inspection has been made, should be of such a nature that the knowledge of experts is not sufficient to discover it, it shall be considered as redhibitory.

But if the veterinarian, through ignorance or bad faith, should fail to discover or to give notice of it, he shall be liable for losses and damages.

SECTION 1399.—The redhibitory action, based on the vices or defects of animals, must be instituted within forty days, counted from their delivery to the vendee, unless, by reason of the customs in each locality, longer or shorter periods are established.

This action in the sale of animals may only be enforced with regard to the vices and defects of the same, determined by law or by local customs.

SECTION 1400.—If the animal should die within three days after being bought the vendor shall be liable, provided the disease that caused the death, in the judgment of veterinarians, existed before the contract.

SECTION 1401.—If the sale has been rescinded the animal must be returned in the condition in which it was sold and delivered, the vendee being liable for any

injury due to his negligence and which does not arise from the redhibitory vice or defect.

SECTION 1402.—In the sale of animals and cattle with redhibitory vices the vendee shall enjoy the privilege mentioned in Section 1389; but he must make use thereof within the same period which has been respectively fixed for the exercise of the redhibitory action.

CHAPTER V.

OBLIGATIONS OF THE VENDEE

SECTION 1403.—The vendee is obliged to pay the thing sold at the time and place stipulated in the contract.

If the time and place should not have been fixed, the payment must be made at the time and place where the thing sold is delivered.

SECTION 1404.—In the three following cases the vendee shall owe interest from the time the thing is delivered until the payment of the price:

1. Should it have been so stipulated.
2. Should the thing sold and delivered produce fruits or income.
3. Should he be in default in accordance with Section 1067.

SECTION 1405.—Should the vendee be disturbed in the possession or ownership of the thing acquired, or should have reasonable grounds to fear being disturbed by an action for recovery or mortgage suit, he may suspend the payment of the price until the vendor has caused the disturbance or danger to cease, unless he gives security for the restitution of the price, in a proper case; or should it have been stipulated that, not-

withstanding any such contingency, the vendee shall be bound to make the payment.

SECTION 1406.—Should the vendee have reasonable grounds to fear the loss of the real property sold and its price, he may immediately request the rescission of the sale.

Should such grounds not exist, the provisions of Section 1091 shall be observed.

SECTION 1407.—In the sale of real property, even though it may have been stipulated that in the absence of the payment of the price within the time agreed upon, the rescission of the contract shall take place by full right, the vendee may pay, even after the expiration of the period, as long as he has not been summoned either judicially or by a notarial act. After the suit has been instituted the judge can not grant him a further period.

SECTION 1408.—With regard to personal property, the rescission of the sale shall take place by full right for the benefit of the vendor when the vendee, before, the lapse of the period fixed for the delivery of the thing should not have appeared to receive it, or having appeared he should not have offered the price at the same time, unless a longer period has been stipulated for the payment thereof.

CHAPTER VI.

RESCISSION OF THE SALE.

SECTION 1409.—The sale shall be rescinded for the same causes as all other obligations, and furthermore for those mentioned in the preceding chapters and by conventional or legal redemption.

ARTICLE FIRST.—CONVENTIONAL REDEMPTION.

SECTION 1410.—Conventional redemption shall take place when the vendor reserves to himself the right to recover the thing sold, with the obligation to comply with Section 1421, and whatever more may have been agreed upon.

SECTION 1411.—The right referred to in the preceding section, in the absence of an express agreement, shall last four years counted from the date of the contract.

Should there be an agreement, the period shall not exceed ten years.

SECTION 1412.—If the vendor should not comply with the provision of Section 1421 the vendee shall irrevocably acquire the ownership of the thing sold.

SECTION 1413.—The vendor may bring his action against every possessor whose right arises from that of the vendee, even though in the second contract no mention should have been made of the conventional redemption; without prejudice to the provisions of the mortgage law with regard to third persons.

SECTION 1414.—The vendee substitutes the vendor in all his rights and actions.

SECTION 1415.—The creditors of the vendor can only make use of the conventional redemption against the vendee after having levied upon the property of the vendor.

SECTION 1416.—A vendee who has made an agreement of resale of a part of an undivided estate and who should acquire the whole estate, in the case of Article 411 of Title III, Book Second of this Code, may oblige the vendor to redeem the whole estate, if the latter wishes to make use of the redemption.

SECTION 1417.—If several persons, jointly and in the

same contract, should sell an undivided estate under condition of redemption, none of them can exercise this right for more than his respective share.

The same shall be observed if the person alone who has sold an estate has left several heirs, in which case each of the latter can only redeem the part which he may have acquired.

SECTION 1418.—In the cases of the foregoing section, the vendee may demand of all the vendors and coheirs that they come to an agreement with regard to the redemption of the whole of the thing sold ; and should they not do so, the vendee can not be forced to a partial redemption.

SECTION 1419.—Each of the co-owners of an undivided estate, who should have sold his share separately, may independently exercise the right of redemption for his respective share and the vendee can not force him to redeem the entire estate.

SECTION 1420—Should the vendee leave several heirs, the action of redemption can not be exercised against each of them, except for his respective share, whether it be undivided, or whether it has been distributed among them.

But if the inheritance has been divided, and the thing sold has been awarded to one of the heirs, the action of redemption may be brought against him for the whole.

SECTION 1421.—The vendor can not exercise the right of redemption without returning to the vendee the price of the sale, and furthermore:

1. The expenses of the contract and any other legitimate payment made by reason of the sale.
2. The useful and necessary expenses incurred by the thing sold.

SECTION 1422.—If, on the execution of the sale, there should be on the estate visible or grown fruits, no indemnity or payment pro rata shall be made for those existing at the time of the redemption.

Should there have been no fruits at the time of the sale, and some exist at the time of the redemption, they shall be divided pro rata between the redeemer and the vendee, giving to the latter the share corresponding to the time he possessed the estate during the last year, counted from the date of the sale.

SECTION 1423.—The vendor, who should recover the thing sold, shall receive it free of all charges and mortgages imposed by the vendee, but he shall be obliged to respect the lease contracts executed by the latter in good faith and according to the customs of the place where it is located.

ARTICLE SECOND.—LEGAL REDEMPTION.

SECTION 1424.—Legal redemption is the right to be subrogated, with the same conditions stipulated in the contract, in the place of the person who acquires a thing by purchase or in payment of a debt.

SECTION 1425.—A coowner of a thing held in common may exercise the redemption in case the shares of all the other coowners, or of any of them, are sold to a third party.

When two or more coowners wish to exercise the redemption, they shall only do so pro rata with regard to the share they have in the thing owned in common.

SECTION 1426.—The owners of the adjacent lands shall also have the right of redemption when the sale of a rural estate is involved the area of which does not exceed one hectare.

The right referred to in the preceding paragraph is

not applicable to adjacent lands which are divided by brooks, drains, ravines, roads, and other apparent easements for the benefit of other estates.

If two or more adjacent owners should make use of the redemption at the same time, the one who is owner of the adjacent land of lesser area shall be preferred; and, should both be equal in area, the person who first requested it.

SECTION 1427.—The right of legal redemption can not be exercised except within nine days, counted from the entry in the registry, and in the absence thereof from the time the redeemer may have had knowledge of the sale.

The redemption of coowners excludes that of adjacent owners.

SECTION 1428.—In legal redemptions the provisions of Section 1414 and 1421 shall be observed.

CHAPTER VII.

ASSIGNMENTS OF CREDITS AND OTHER INCORPOREAL RIGHTS.

SECTION 1429.—The assignment of a credit, right, or action shall produce no effect against a third person but from the time the date is considered fixed, in accordance with Sections 1186 and 1195.

If said assignment involves real property, from the date of its entry in the registry.

SECTION 1430.—A debtor who, before having knowledge of the assignment, should pay the creditor shall be released from the obligation.

SECTION 1431.—The sale or assignment of a credit includes that of all the accessory rights, such as the security, mortgage, pledge, or privilege.

SECTION 1432.—A vendor in good faith shall be liable for the existence and legitimacy of the credit at

the time of the sale unless it should have been sold as doubtful, but he shall not be liable for the solvency of the debtor unless it has been expressly stipulated, or if the insolvency should be prior and public.

Even in these cases he shall only be liable for the price received and for the expenses mentioned in No. 1 of Section 1421.

The vendor in bad faith shall always be liable for the payment of all the expenses, and for the losses and damages.

SECTION 1433.—If the assignor in good faith should have made himself liable for the solvency of the debtor, and the contracting parties should not have stipulated anything with regard to the duration of the liability, it shall last one year only, to be counted from the assignment of the credit if the period had already matured.

If the credit should be payable within a term or period which has not yet expired, the liability shall cease one year after its maturity.

Should the credit consist of a perpetual income, the liability shall be extinguished after ten years, counted from the date of the assignment.

SECTION 1434.—A person who should sell an inheritance without enumerating the things of which it is composed shall only be obliged to prove that he is an heir.

SECTION 1435.—A person who sells for a total or lump sum certain rights, incomes, or products, as a whole, shall perform by answering for the legitimacy of the whole in general, but he shall not be obliged to warrant each of the parts of which it may be composed, unless in the case of eviction of the whole or of the greater part.

SECTION 1436.—Should the vendor have profited by some of the fruits, or should he have received anything from the inheritance he should sell, he must pay the vendee therefor should the contrary not have been agreed upon.

SECTION 1437.—The vendee must, on his part, pay to the vendor all that the latter may have paid for debts or charges on the estate and for the credits he may have against the same, unless there has been an agreement to the contrary.

SECTION 1438.—When a litigated credit is sold, the debtor shall have the right to extinguish the same by reimbursing the assignee for the price the latter paid for it, the judicial costs incurred by him, and the interest on the price from the day on which the same was paid.

A credit shall be considered as litigated from the day the suit relating to the same has been answered.

The debtor may make use of his right within nine days, counted from the day the assignee should demand payment of him.

SECTION 1439.—From the provisions of the foregoing sections are excepted the assignments or sales made—

- 1.—To a coheir or coowner of the right assigned.
- 2.—To a creditor in payment of his credit.
- 3.—To the possessor of an estate, subject to the right in litigation which has been assigned.

CHAPTER VIII.

GENERAL PROVISION.

SECTION 1440.—All that is prescribed in this Title is understood subject to the provisions of the mortgage law with regard to real property.

TITLE V.

EXCHANGE.

SECTION 1441.—Exchange is a contract by which each of the contracting parties binds himself to give a thing in order to receive another.

SECTION 1442.—If one of the contracting parties should have received the thing promised to him in exchange, and should prove that it did not belong to the person who gave it, he can not be forced to deliver the one he offered in exchange and he shall perform by returning the one he received.

SECTION 1443.—A person who loses by eviction the thing received in exchange may choose between recovering the one which he gave in exchange or demanding an indemnity for losses and damages; but he can only make use of the right to recover the thing which he delivered while said thing remains in the possession of the other party, and without prejudice to the rights acquired thereto, in good faith in the mean-time, by a third person.

SECTION 1444.—Exchange shall be governed by the provisions relating to sales in all that is not specially fixed in this Title.

TITLE VI.

CONTRACTS OF LEASE.

CHAPTER I.

GENERAL PROVISIONS.

SECTION 1445.—A lease may be of things, works, or services.

SECTION 1446.—In a lease of things, one of the parties thereto binds himself to give to the other the enjoyment or use of a thing for a specified time and a fixed price.

SECTION 1447.—In a lease of works or services, one of the parties binds himself to execute a work or to render a service to the other for a specified price.

SECTION 1448.—Perishable things, which are consumed by use, can not be the object of this contract.

CHAPTER II.

LEASES OF RURAL AND TOWN PROPERTY.

ARTICLE FIRST.—GENERAL PROVISIONS.

SECTION 1449.—A person who binds himself to grant the use of a thing, to execute a work, or to render a service is a lessor; and a person who acquires the use of the thing or a right to the work or service, for which he binds himself to pay, is a lessee.

SECTION 1450.—When the performance of a contract of verbal lease has begun and the evidence of the price agreed upon is lacking, the lessee shall return to the lessor the thing leased, paying him the price which for the time he has enjoyed such thing may be adjusted.

SECTION 1451.—The husband can not give in lease the property of the wife, the father and guardian, that of the son or minor, and the administrator of property, not having a special power for a period exceeding six years.

SECTION 1452.—With regard to third persons, leases of real property which are not duly recorded in the registry of property shall be of no effect.

SECTION 1453.—Should it not be expressly forbidden in the contract of lease or things, the lessee may sublet the whole or a part of the things leased without prejudice to his liability for the fulfillment of the contract executed with the lessor.

SECTION 1454.—A subtenant, without prejudice to his obligation with regard to the sublessor, shall remain

bound to the lessor for all the acts which refer to the use and preservation of the thing leased, in the manner agreed upon between the lessor and the lessee.

SECTION 1455.—The subtenant shall also be bound with regard to the lessor for the amount of the price agreed upon in the sublease, which is due at the time of the summons, considering the payments made in advance as not made, unless he has paid them according to custom.

SECTION 1456.—The provisions relating to warranty, contained in the title of purchase and sale, are applicable to lease contracts.

In the cases in which the return of the price is proper, a reduction in the price shall be made proportional to the time for which the lessee may have enjoyed the thing.

ARTICLE SECOND.—RIGHTS AND OBLIGATIONS OF THE
LESSOR AND LESSEE.

SECTION 1457.—The lessor is obliged:

1. To deliver to the lessee the thing which is the object of the contract.
2. To make thereon, during the lease, all the necessary repairs in order to preserve it in condition to serve for the purpose to which it was destined.
3. To maintain the lessee in the peaceful enjoyment of the lease during all the time of the contract.

SECTION 1458.—The lessee is obliged:

1. To pay the price of the lease in the manner agreed upon.
2. To use the thing leased as a diligent father of a family would, applying the same to the use agreed upon; and, in the absence of an agreement, to the use which may be inferred from the nature of the thing leased according to the custom of the land.

3. To pay the expenses arising from the instrument constituting the contract.

SECTION 1459.—If the lessor or lessee should not comply with the obligations mentioned in the preceding sections, they may request the rescission of the contract and indemnity for losses and damages, or only the latter, leaving the contract in force.

SECTION 1460.—The lessor can not change the form of the thing leased.

SECTION 1461.—If, during the lease, it be necessary to make any urgent repairs in the thing leased which can not be postponed until the expiration thereof, the lessee shall be obliged to permit the work, even though it be very annoying to him, and even if during such repairs he may be deprived of a part of the estate.

If the repairs should last more than forty days, the price of the lease shall be reduced in proportion to the time and to the part of the estate of which the lessee is deprived.

If the work should be of such nature that the part which the lessee and his family require for a dwelling becomes uninhabitable, he may rescind the contract.

SECTION 1462.—The lessee is obliged to give notice to the owner with the least possible delay of any usurpation or injurious alterations which any other person may have made or openly is preparing to make to the thing leased.

He is also obliged to give notice with the same urgency to the owner of the necessity of all the repairs included in No. 2 of Section 1457.

In either case the lessee shall be liable for the losses and damages which, by reason of his negligence, may be caused to the owner.

SECTION 1463.—The lessor shall not be obliged to

answer for the mere fact of a trespass made by a third person in the use of the estate leased, but the lessee shall have a direct action against the trespasser.

The fact of trespass does not exist if the third person, whether it be the administration or a private person, has acted by virtue of a right belonging to him.

SECTION 1464.—The lessee must return the estate at the expiration of the lease in the same condition in which he received it, except what may have been destroyed or impaired by time or by unavoidable reasons.

SECTION 1465.—If, at the time of the lease of the estate, the condition of the same was not mentioned, the law presumes that the lessee received it in good condition, unless there be proof to the contrary.

SECTION 1466.—The lessee is liable for the deterioration or loss suffered by the thing leased, unless he proves that it took place without his fault.

SECTION 1467.—A lessee is liable for the impairment caused by the members of his household.

SECTION 1468.—If the lease has been made for a specified time, it expires on the day previously fixed, without the necessity of any notice.

SECTION 1469.—If, on the expiration of the contract, the lessee continues enjoying the thing leased for fifteen days with the acquiescence of the lessor, it shall be understood that there is an implied new lease for the time mentioned in Sections 1480 and 1484 unless a notice has previously been given.

SECTION 1470.—In the case of an implied renewal the obligations contracted by a third person for the security of the principal contract shall cease with regard thereto.

SECTION 1471.—If the thing leased is lost or any of the contracting parties do not comply with what has

been stipulated, the provisions of Sections 1150, 1151, 1068 and 1091 shall be respectively observed.

SECTION 1472.—The lessor may judicially dispossess the lessee for any of the following causes:

1. Upon the expiration of the conventional period or the one fixed for the duration of leases in Sections 1480 and 1484.

2. Default in payment of the price agreed upon.

3. Infraction of any of the conditions stipulated in the contract.

4. When the lessee employs the thing leased in uses or services not stipulated and which cause the same to be impaired, or when he does not comply, with regard to its use, with the provisions of No. 2 of Section 1458.

SECTION 1473.—With the exception of the cases mentioned in the preceding section, the lessee shall have the right to make use of the periods fixed in Sections 1480 and 1484.

SECTION 1474.—The purchaser of a leased estate has a right to terminate the lease in force at the time of making the sale, unless the contrary is stipulated, and the provisions of the mortgage law.

If the purchaser should make use of this right, the lessee may demand that he be permitted to gather the fruits of the crop corresponding to the current agricultural year and that he be indemnified by the vendor for the losses and damages he may have suffered.

SECTION 1475.—A purchaser with an agreement of redemption can not use the right of dispossessing the lessee until the term for the use of the right of redemption has expired.

SECTION 1476.—A lessee shall have, with regard to

the useful and voluntary improvements, the same rights which are granted a usufructuary.

SECTION 1477.—Should there be no stipulation with regard to the place and time of the payment of rent, the provisions of Section 1139 shall govern as to place, and the customs of the land as to time.

ARTICLE THIRD.—SPECIAL PROVISIONS FOR LEASES OF
RURAL PROPERTY.

SECTION 1478.—A lessee shall not have the right to a reduction of the rent on account of the sterility of the land leased or on account of the loss of the fruits through ordinary fortuitous events, but he shall have said right in case of loss of more than half of the fruits through extraordinary and unforeseen fortuitous events unless there is a special agreement to the contrary.

By extraordinary fortuitous events shall be understood fire, war, pestilence, extraordinary inundations, locusts, earthquakes, or any other equally unfrequent events, and which the contracting parties could not have reasonably foreseen.

SECTION 1479.—Neither shall a lessee have a right to a reduction of the rent, when the fruits have been lost, after having been separated from their roots or trunks.

SECTION 1480.—The lease of a rural estate, when its duration is not fixed, shall be understood as executed for the full time required for the gathering of the fruits which the whole estate leased might produce in one year, or all it could produce at one time, even though two or more years may be necessary to obtain them.

That of arable lands, divided into two or more crops, shall be considered as executed for as many years as there are crops.

SECTION 1481.—The outgoing lessee must permit the incoming one the use of the place and of all other necessary means for the preparatory labor for the following year, and, mutually, the latter is obliged to permit the outgoing one all that may be necessary for the gathering and enjoyment of the fruits, all in accordance with the customs of the place.

SECTION 1482.—Leases for partnerships of arable lands, breeding cattle, and for industrial or manufacturing establishments shall be governed by the provisions relating to articles of copartnership and by the agreements of the contracting parties, and, in their absence, by the customs of the country.

ARTICLE FOURTH.—SPECIAL PROVISIONS FOR THE
LEASE OF TOWN PROPERTY.

SECTION 1483.—In the absence of a special agreement for the repairs of town property, which should be borne by the owner, the customs of the place shall be observed. In case of doubt, they shall be understood as for the account of the owner.

SECTION 1484.—Should a term not have been fixed for the lease, is it understood for years, when an annual rent has been fixed, for months, when the rent is monthly, and for days, when it is daily.

In every case the lease ceases without the necessity of a special notice upon the expiration of the term.

SECTION 1485.—If the lessor of a house, or of a part thereof, destined for a dwelling for a family, or of a store or warehouse or industrial establishment, leases the furniture also, the lease of the latter shall be understood as executed for a time equal to that of the house leased.

CHAPTER III.

HIRING OF WORK AND SERVICES.

ARTICLE FIRST.—SERVICES OF PAID SERVANTS AND LABORERS.

SECTION 1486.—This class of services may be contracted without a fixed period, for a fixed period, or for a specific work. A hiring for life is void.

SECTION 1487.—A domestic servant hired for a fixed time and to be employed in the personal service of his master, or of the family of the latter, may leave the service or be dismissed before the expiration of the term; but if the master dismisses the servant without sufficient cause, he shall indemnify him by paying him the wages due and those for fifteen additional days.

The master shall be believed, unless there is proof to the contrary.—

1. With regard to the amount of the wages of the domestic servant.

2. With regard to the payment of the wages earned during the current year.

SECTION 1488. Besides what is prescribed in the preceding sections with regard to masters and servants, the provisions of special laws and ordinances shall be observed.

SECTION 1489.—Field hands, mechanics, artisans, and other laborers hired for a certain time and for a certain work can not leave nor be dismissed, without sufficient cause, before the fulfillment of the contract.

SECTION 1490.—The dismissal of the servants, mechanics, artisans, and other hired laborers to which the preceding sections refer gives the right to dispossess them of the implements and of the buildings which they may occupy by reason of their duties.

ARTICLE SECOND.—WORKS AT A PRICE AGREED UPON
OR FOR A LUMP SUM.

SECTION 1491.—The execution of a work may be contracted for by agreeing that the person who is to execute the same shall give his labor or industry only, or that he furnish the materials also.

SECTION 1492.—If the person who contracted for the work bound himself to furnish the materials, he shall suffer the loss in case of the destruction of the work before it is delivered, unless there has been delay in receiving it.

SECTION 1493.—A person who has bound himself to give his labor or industry only can not demand any payment if the work is destroyed before it is delivered, unless there should have been delay in receiving the same, or if the destruction should have been due to the bad quality of the materials, provided that he may have given due notice of this circumstance to the owner.

SECTION 1494.—The contractor of a building which may have been destroyed by reason of defects in the construction shall be liable for the losses and damages if said building should collapse within ten years, to be counted from the completion of the construction; and during the same time the same liability shall be incurred by the architect who may have directed the work if the collapse is due to defects in the ground or in the direction.

If the cause should be the noncompliance of the contractor with the conditions of the contract, the action for indemnity may be brought within fifteen years.

SECTION 1495.—A person who binds himself to do a work by piece or by measure may demand of the owner that he receive it in installments, and that he pay there-

for in proportion. The part paid for shall be presumed as approved and received.

SECTION 1496.—An architect or contractor who, for a lump sum, takes charge of the construction of a building, or of any other work in view of a plan agreed upon with the owner of the ground, can not demand an increase in the price, even if that of the materials or wages has increased, but he may do so when any change increasing the work should be made in the plans, provided the owner has given his authorization.

SECTION 1497.—The owner may desist, by his own will, from the construction of the work, even when it has been begun, indemnifying the contractor for all the expenses, labor, and profits which he may have obtained from the same.

SECTION 1498.—When a certain work has been entrusted to a person by reason of his personal qualifications, the contract is rescinded by the death of said person.

In such case, the owner must pay to the heirs of the constructor, in proportion to the price agreed upon, the value of the part of the work executed, and that of the prepared materials, provided he may obtain any benefit from such materials.

The same shall be understood if the person who contracted for the work can not finish it by reason of any cause independent of his will.

SECTION 1499.—A contractor is responsible for the work done by the persons he employs thereon.

SECTION 1500.—Those who furnish their labor and materials in a work agreed upon for a lump sum by a contractor have no action against the owner, except for the amount the latter may owe the former when the action is brought.

SECTION 1501.—When it should be agreed that the work is to be done to the satisfaction of the owner, in the absence of his acceptance the approval is understood as reserved for the proper expert judgment.

If the person who has to approve the work is a third person, his decision shall be final.

SECTION 1502.—Should there be no agreement or custom to the contrary, the price for the work must be paid upon delivery.

SECTION 1503.—A person who has executed a work on personal property has the right to retain the same as a pledge until he is paid therefor.

ARTICLE THIRD.—TRANSPORTATION BY WATER AND LAND OF
PERSONS AS WELL AS OF THINGS.

SECTION 1504.—Carriers of goods by land or by water shall be subject with regard to the keeping and preservation of the things entrusted to them, to the same obligations as determined for innkeepers by Sections 1783 and 1784.

The provisions of this section shall be understood without prejudice to what is prescribed by the Code of Commerce with regard to transportation by sea and land.

SECTION 1505.—Carriers are also liable for the loss of and damage to the things which they receive, unless they prove that the loss or damage arose from a fortuitous event or force majeure.

SECTION 1506.—The provisions of these sections are understood without prejudice to the provisions of special laws and regulations.

TITLE VII.

ANNUITIES (CENSOS).¹

CHAPTER I.

GENERAL PROVISIONS.

SECTION 1507.—An annuity (*censo*) is constituted when any real property is subjected to the payment of a pension or annual income in compensation for a capital which is received in cash, or for the full or partial ownership of the property which is conveyed.

SECTION 1508.—An annuity is called emphyteutic (*censo enfitéutico*) when a person transfers to another the beneficial ownership of an estate reserving to himself the legal ownership and a right to receive from the emphyteuticary an annual income in recognition of such ownership.

SECTION 1509.—An annuity is transferable or consignative (*censo consignativo*) when the owner of land imposes upon an estate belonging to him the charge of an income or pension which he binds himself to pay to the lender for a sum in cash which he has received from the latter.

SECTION 1510.—An annuity is reservative or set apart (*censo reservativo*) when a person transfers to another the full ownership of an estate, reserving to himself the right to receive from said estate an annual pension which is to be paid by the owner of the land.

SECTION 1511.—The nature of the annuity requires that the transfer of the principal or of the estate should be perpetual or for an unlimited time; however, the person paying the annuity may redeem it at his will, even though the contrary should be stipulated, this pro-

¹ *Censo*.—Not technically a rent charge, but an annuity charged directly on real estate, and also involving personal liability. (See Section 1526).

vision being applicable to annuities actually existing.

It may however, be stipulated that the redemption of the annuity can not be made during the life of the annuitant or of any specified person, or that it may not be redeemed within a certain number of years, which can not exceed twenty in consignative annuities, nor sixty years in reservative and in emphyteutic annuities.

SECTION 1512.—In order to carry out the redemption, the person paying the annuity must give notice thereof one year in advance to the annuitant or must pay to him, in advance the amount of one year's income.

SECTION 1513.—Annuities can not be partially redeemed except by virtue of an express agreement.

Neither can they be redeemed against the will of the annuitant unless the payment of all the income due has been made.

SECTION 1514.—For the redemption of annuities constituted before the promulgation of this Code, should the principal be unknown, it shall be regulated by the principal which may result by computing the income at three per cent.

If the income is paid in fruits, for the determination of the capital, they shall be appraised at the average price they may have had during the last five years.

The provisions of this Title shall not apply to special emphyteusis, surface rights, and any other similar encumbrances in which the principles of redemption of ownership shall be governed by a special law.

SECTION 1515.—The expenses arising from the redemption and liberation from annuities shall be borne by the person paying the same except those arising from unjustifiable opposition, in the judgment of the courts.

SECTION 1516.—The income or pension of annuities shall be determined by the parties upon the execution of the contract.

It may consist of money or fruits.

SECTION 1517.—The pensions shall be paid at the periods agreed upon, and, in the absence of an agreement, if they consist of money, by the years elapsed, counted from the date of the contract; and if of fruits, at the end of the respective crops.

SECTION 1518.—If the place at which the income is to be paid should not have been designated in the contract, this obligation shall be complied with at the place in which the estate which is charged with the annuity is located, provided the annuitant or his attorney have their domicile in the municipal district of the same town. Should this not be the case, but should the person paying the annuity reside there, the payment shall be made at the domicile of the latter.

SECTION 1519.—The annuitant, at the time of delivery of the receipt of any income, can oblige the person paying the annuity to give him a memorandum in which it may appear that the payment has been made.

SECTION 1520.—Estates charged with annuities may be conveyed for a valuable or good consideration, as may also be the right to receive the income.

SECTION 1521.—Estates charged with annuities can not be divided among two or more persons without the express consent of the annuitant, even when acquired by inheritance.

If the annuitant should permit the division, the part of the annuity with which each portion remains charged shall be designated with his consent, as may different annuities being constituted as there are portions in which the estate is divided.

SECTION 1522.—If the estate charged with an annuity is to be awarded to several heirs, and the annuitant does not give his consent, to the division, it shall be placed at auction among the heirs.

In the absence of agreement or if none of the parties in interest should offer the price of the appraisal, the estate shall be sold with the charge, the proceeds being distributed among the heirs.

SECTION 1523.—The principal as well as the income of annuities prescribes in accordance with the provisions of Title 18 of this Book.

SECTION 1524.—Notwithstanding the provisions of Section 1077, the payment of two consecutive incomes shall be necessary to presume that all the preceding ones have been paid.

SECTION 1525.—The person paying the annuity is obliged to pay the taxes and other charges affecting the estate charged with the annuity.

When the person paying the annuity pays the income he may deduct therefrom the part of the charges to be paid by the annuitant.

SECTION 1526.—Annuities give rise to a real action, against the estate charged. Besides the real action, the annuitant may bring a personal action for the payment of the income in arrears and for damages and interest when proper.

SECTION 1527.—The person paying the annuity can not ask for the remission or reduction of the income on account of an accidental sterility of the estate nor on account of the loss of its fruits.

SECTION 1528.—When an estate charged with an annuity is totally destroyed or rendered useless by force majeure or by a fortuitous event, the annuity shall

be extinguished, the payment of the pension discontinuing.

If it is destroyed in part only, the person paying the annuity shall not be exempt from the payment of the pension, unless he prefers to abandon the estate to the annuitant.

When there is fault on the part of the person paying the annuity, he shall be bound, in either case, to indemnify for losses and damages.

SECTION 1529.—In the case of the first paragraph of the preceding section, if the estate should be insured, amount of the insurance shall be liable for the payment of the principal of the annuity and of the incomes due unless the person paying the annuity should prefer to invest it in rebuilding the estate, in which case the annuity shall revive with all its effects, including the payment of the unpaid income. The annuitant may demand of the person paying the annuity that he secure the investment of the amount of the insurance in the rebuilding of the estate.

SECTION 1530.—If the estate charged with an annuity is taken by eminent domain, its price shall remain liable for the payment of the principal of the annuity and of the pensions due, said annuity being extinguished.

The foregoing provisions are also applicable in the case in which the taking by eminent domain is of a part of the estate only, should its price be sufficient to cover the principal of the annuity.

Should it not be sufficient, the annuity shall continue to be charged on the remainder of the estate, provided its price be sufficient to cover the principal of the annuity and 25 per cent in addition. In any other case the person paying the annuity shall be bound

either to substitute the part taken with another security or to redeem the annuity, at his option, without prejudice to the provisions of Section 1598 with regard to emphyteutic annuities.

CHAPTER II.

EMPHYTEUTIC ANNUITIES.

ARTICLE FIRST.—PROVISIONS REFERRING TO EMPHYTEUSIS.

SECTION 1531.—An emphyteutic annuity can only be charged on real property and in a public instrument.

SECTION 1532.—At the time of the constitution of the emphyteutic annuity the value of the estate and the annual income to be paid shall be fixed in the contract, under the penalty of nullity.

SECTION 1533.—If the pension should consist of a fixed amount of fruits, the kind and quality thereof shall be determined in the contract.

Should it consist of an aliquot part of those the estate may produce, in the absence of an express stipulation as to the intervention which the legal owner may exercise, the emphyteuticary shall give to said owner or his representative previous notice of the day on which he intends to commence the gathering of each kind of fruit, in order that he may, either personally or through his representative, inspect all the operations until he receives the share belonging to him.

After the notice has been given, the emphyteuticary may gather the crops, even when neither the legal owner nor his representative or agent is present.

SECTION 1534.—In case of the exercise of eminent domain, the provisions of the first paragraph of Section 1530 shall be observed if the entire estate should be thus taken.

Should it be thus taken only in part, the price of what has been taken shall be divided between the legal and beneficial owner, the former receiving the part of the principal of the annuity, which proportionally belongs to the part taken, according to the value given to the entire estate when the annuity was constituted, or which served as a basis for the redemption and the remainder shall belong to the emphyteuticary.

In this case the annuity shall continue on the rest of the estate, which the proper reduction of the principal and pensions, unless the emphyteuticary chooses between the total redemption or the abandonment in favor of the legal owner.

If, in accordance with what has been agreed upon, *laudemio* is to be paid, the legal owner shall receive that, which for this reason pertains to him, only from the part of the price belonging to the emphyteuticary.

SECTION 1535.—The products of the estate and of its accessions belong to the emphyteuticary.

He has the same rights which the owner would have in the treasure and mines which may be discovered on the estate charged with the emphyteusis.

SECTION 1536.—The emphyteuticary may dispose of the emphyteutic estate and of its accessions by acts *inter vivos* as well as by last will, reserving the rights of the legal owner, and subject to the provisions of the following sections.

SECTION 1537.—If the pension should consist of an aliquot part of the fruits of the emphyteutic estate, neither an easement nor any other charge which may diminish the proceeds of the same shall be imposed upon it without the express consent of the legal owner.

SECTION 1538.—The emphyteuticary may freely be-

stow as a gift or exchange the estate, giving notice thereof to the legal owner.

SECTION 1539.—The legal and beneficial owners have the mutual right of preemption of redemption, provided they sell or give in payment their respective ownership of the emphyteutic estate.

This provision is not applicable to obligatory alienations, for reasons of public utility. .

SECTION 1540.—For the purposes of the preceding section a person desiring to alienate the ownership of an estate held in emphyteusis must give notice thereof to the other coowner, stating the final price which may be offered to him, or the one for which he desires to alienate his ownership.

Within the twenty days following the notice, the coowner may make use of the right of preemption by paying the price indicated. Should he not do so, he shall lose said right and the alienation may take place.

SECTION 1541.—If the legal owner or the emphyteuticary, in a proper case, should not have made use of the right of preemption to which the preceding section refers, he may make use of that of redemption to acquire the estate for the price at which it has been sold.

In such case the redemption must be made use of within the nine working days following that of the execution of the bill of sale. If said sale should be concealed, said period shall be counted from the record thereof in the registry of property.

Concealment is presumed when the instrument is not filed in the registry within the nine days following that of its execution.

Besides this presumption, the concealment may be proven by any other legal means.

SECTION 1542.—If the alienation has taken place

without the previous notice prescribed in Section 1540, the legal owner, and, in a proper case, the beneficial owner may exercise the action of redemption at any time, until one year has elapsed, to be counted from the day alienation is entered in the registry of property.

SECTION 1543.—In judicial sales of emphyteutic estates, the legal owner and the beneficial one, in their respective cases, may make use of the right of preemption within the period fixed in the notices of the sale at auction, paying the price which may serve as a basis for the auction and that of the redemption within the nine working days following that of the execution of the instrument.

In such case, the previous notice required by Section 1540 shall not be necessary.

SECTION 1544.—If there are several estates alienated charged with the same annuity, the right of preemption or that of redemption can not be exercised with regard to some of them and to the exclusion of others.

SECTION 1545.—When the legal or beneficial ownership is vested in several persons *pro indiviso*, each one of them may make use of the right of redemption subject to the rules established for that of owners in common, preference being given to the legal owner if a part of the beneficial ownership should have been alienated or to the emphyteuticary of the alienation should have been of the legal ownership.

SECTION 1546.—If the emphyteuticary should be disturbed in his right by a third party who disputes the legal ownership or the validity of the emphyteusis, he can not claim the corresponding indemnity from the legal owner if he does not summon him for the eviction, in accordance with the provisions of Section 1384.

SECTION 1547.—In alienations for a valuable consi-

deration of emphyteutic estates, laudemio shall be paid to the legal owner only when it has been expressly stipulated in the contract of emphyteusis.

If, when it has been stipulated, a fixed sum has not been specified, it shall consist of two per cent of the price of the alienation.

In emphyteusis prior to the promulgation of this Code, which may be subject to the payment of laudemio, even though it should not have been stipulated, this prestation shall continue in the usual manner, but it shall not exceed two per cent of the price of the alienation, unless a higher one has been expressly agreed upon.

SECTION 1548.—The obligation to pay laudemio pertains to the person acquiring the estate, unless there is a stipulation to the contrary.

SECTION 1549.—If the emphyteuticary should have obtained permission from the legal owner for the alienation, or should have given him the previous notice prescribed in Section 1540, the legal owner can not demand the payment of laudemio except within a year following the day on which the public instrument is entered in the registry of property. With the exception of these cases this action shall be subject to ordinary prescription.

SECTION 1550.—The legal owner may every twenty-nine years demand the acknowledgment of his right by the person who is in possession of the emphyteutic estate.

The expenses of the acknowledgment shall be borne by the emphyteuticary, but no other prestation whatever, for this reason, shall be required of him.

SECTION 1551.—The estate shall be forfeited and the legal owner may demand its restitution:

1.—By nonpayment of the pension for three consecutive years.

2.—If the emphyteuticary does not comply with the conditions stipulated in the contract or seriously impairs the estate.

SECTION 1552.—In order that the legal owner may demand the forfeiture in the first case of the preceding section, he must demand payment of the emphyteuticary, either judicially or through a notary, and should the latter not pay within the thirty days following the demand the right of the owner may be freely exercised.

SECTION 1553.—The emphyteuticary may free himself from the forfeiture, in every case, by redeeming the annuity and paying the pensions due within the thirty days following the formal demand for the payment or the summons for the suit.

The creditors of the emphyteuticary may make use of the same right within thirty days following that on which the legal owner may have recovered the full ownership.

SECTION 1554.—The redemption of the emphyteusis shall consist in a payment of cash in full to the legal owner for the principal which may have been fixed as the value of the estate at the time of the constitution of the annuity, and no other prestation can be exacted, unless it should have been stipulated.

SECTION 1555.—In case of forfeiture, or in that of rescission of the contract of emphyteusis for any reason whatsoever, the legal owner must pay for the improvements which may have increased the value of the estate, provided such increase exist at the time of the restitution.

If the estate has deteriorated, through fault or negligence on the part of the emphyteuticary, the dete-

rioration shall be set off against the improvements, and, in so far as they do not suffice, the emphyteuticary shall remain personally bound to pay for them, as well as for the pensions due and not prescribed.

SECTION 1556.—In the absence of testamentary heirs, descendants, ascendants, a surviving spouse, and relatives within the sixth degree of the last emphyteuticary, the estate shall revert to the legal owner in the condition in which it may exist, unless the emphyteuticary has not disposed of it in another manner.

SECTION 1557.—The contract of sub-emphyteusis shall not be valid in the future.

ARTICLE SECOND.—THE OTHER CONTRACTS
ANALOGOUS TO THAT OF EMPHYTEUSIS.

SECTION 1558.—Charges of a similar character which may be established after the promulgation of this Code, should they be for an unlimited time, shall be governed by the provisions established for emphyteusis in the preceding article.

Should they be temporary or for a limited period, they shall be considered as leases and shall be governed by the provisions relating to such contracts.

CHAPTER III.

TRANSFERABLE ANNUITIES (CENSOS CONSIGNATIVOS).

SECTION 1559.—When the payment of the pension of the transferable annuity is stipulated in fruits, the species, quantity, and quality of the same must be fixed and can not consist of and aliquot part of those which the estate charged with the annuity may produce.

SECTION 1560.—The redemption of a transferable annuity shall consist in the return to the annuitant in

cash and in full of the principal paid for the constitution of the annuity.

SECTION 1561.—When a real action is proper against an estate, charged with an annuity, for the payment of pensions, if what remains of the value of the same is not sufficient to cover the principal of the annuity and 25 per cent in addition, the annuitant may oblige the person paying the annuity, at the latter's option, to redeem the annuity or to complete the guarantee or to abandon the remainder of the estate in favor of the former.

SECTION 1562.—The annuitant may also make use of the right mentioned in the preceding section in the other cases in which the value of the estate should be insufficient to cover the principal of the annuity, and 25 per cent in addition if any of the following circumstances exist:

1. If the value of the estate should have decreased by the fault or negligence of the person paying the annuity.

In such case the latter shall also be liable for losses and damages.

2. When the person paying the annuity has failed to pay the pensions for two consecutive years.

3. When the person paying the annuity may have been declared a bankrupt or insolvent.

CHAPTER IV

RESERVATIVE ANNUITIES.

SECTION 1563.—Reservative annuities can not be validly constituted unless preceded by an appraisement of the estate by an estimate agreed to by the parties or upon a just expert appraisal.

SECTION 1564.—The redemption of this annuity shall

ake place by the person who pays it, delivering to the annuitant in cash and in full the principal which may have been fixed in accordance with the preceding section.

SECTION 1565.—The provisions of Section 1559 are applicable to reservative annuities.

SECTION 1566.—In the cases prescribed in Sections 1561 and 1562, the debtor of the reservative annuity can only be obliged to redeem the annuity or to abandon the estate in favor of the annuitant.

TITLE VIII.

PARTNERSHIP.

CHAPTER I.

GENERAL PROVISIONS.

SECTION 1567.—Partnership is a contract by which two or more persons bind themselves to contribute money, property, or industry to a common fund, with the intention of dividing the profits among themselves.

SECTION 1568.—Partnerships must have licit objects, and must be established for the common interests of the partners.

When the dissolution of an illicit partnership is declared, the profits shall be devoted to the charitable institutions of the domicile of the partnership, and, in their absence, to those of the People of Porto Rico.

SECTION 1569.—Civil partnerships, may be established in any form whatever, unless when real property or property rights should be contributed to the same, in which case a public instrument shall be necessary.

SECTION 1570.—Articles of copartnership are void, if real property is contributed to the same, if an inventory of said property is not made, signed by the parties, and which must be attached to the instrument.

SECTION 1571.—Partnerships, the articles of which are kept secret among the partners, and in which each one of the latter may contract in his own name with third persons, shall have no judicial personality.

This kind of partnership shall be governed by the provisions relating to property held in common.

SECTION 1572.—Civil partnerships, on account of the objects to which they are devoted, may adopt all the forms accepted by the Code of Commerce. In such case its provisions shall be applicable in so far as they do not conflict with those of this Code.

SECTION 1573.—Partnerships are general or particular.

SECTION 1574.—General partnerships may consist of all the present property or of the profits.

SECTION 1575.—Partnerships which include all the present property are those in which the parties contribute all the property which actually belongs to them to a common fund, which the intention of dividing the same among themselves, as well as all the profits they may acquire therefrom.

SECTION 1576.—In general partnerships of all present property, what belongs to each of the partners becomes the common property of all the partners, as well as all the profits which they may acquire therewith.

An agreement for the division of any other profits may also be made, but the property which the partners acquire subsequently by inheritance, legacy, or gifts shall not be included in the same, but the fruits of said property may be.

SECTION 1577.—General partnerships of profits include all that the partners may acquire by their industry or work during the continuation of the partnership.

Personal or real property which each of the partners may possess at the time of the celebration of the agreement shall continue to be their private property, the usufruct only passing to the partnership.

SECTION 1578.—Articles of general copartnership executed without specifying its nature only constitute a general partnership of profits.

SECTION 1579.—Persons who are forbidden to mutually grant each other gifts or advantages can not contract a general partnership.

SECTION 1580.—A particular partnership has for its object specified things only, their use or profits, or a specified undertaking, or the exercise of a profession or art.

CHAPTER II.

ARTICLE FIRST.—OBLIGATIONS OF THE PARTNERS AMONG THEMSELVES.

SECTION 1581.—A partnership begins from the moment of the making of the agreement, if not otherwise stipulated.

SECTION 1582.—A partnership continues during the time agreed upon ; in the absence of an agreement, for such time as the business which has been the exclusive object of the partnership may last, if by its nature it has a limited duration; and in any other cases during the lives of the partners, without prejudice to the rights reserved to them by Section 1602 and to the provisions of Section 1606.

SECTION 1583.—Every partner is a debtor of the partnership for whatever he has promised to contribute thereto.

He is also bound to eviction with regard to the specified and determined things he may have contribut-

ed to the partnership in the same cases and in the same manner as a vendor is bound with regard to the vendee.

SECTION 1584.—A partner who has bound himself to contribute a sum of money and fails to do so is at law a debtor for the interest thereon, from the day on which he should have contributed the same, without prejudice to indemnifying furthermore for the damages he may have caused thereby.

The same shall take place with regard to amounts he may have taken from the common funds, and interest shall be earned from the day on which he took them for his private use.

SECTION 1585.—A partner who gives his services but contributes no capital owes to the partnership the profits which, during its existence, he may have earned in a branch of the industry which is the object of the partnership.

SECTION 1586.—If a partner who is authorized to manage collects a demandable sum, which was owed to him in his own name, from a person who owed the partnership another sum, also demandable, the sum collected shall be charged to the two credits in proportion to their amounts, even when he may have given a receipt for his own account only; but should he have given it on account of the common funds, it shall all be charged to the credit of the latter.

The provision of this section are understood without prejudice to the debtor using the privilege granted to him in Section 1140, but only in the case the personal credit of the partner is more burdensome to him.

SECTION 1587.—A partner who has received in full his share of a partnership credit, when the other partners had not collected theirs, is obliged, if the debtor afterwards becomes insolvent, to contribute to the part-

nership capital what he received, even though he may have given the receipt for his share only.

SECTION 1588.—Every partner shall be liable to the partnership for the losses and damages suffered by it through his fault, and he can not compensate them with the benefits which he may have given to the partnership by his services.

SECTION 1589.—The risk of things, certain and specified, which are not perishable, contributed to the partnership in order that only their use and fruits be common, shall be borne by the partner owning them.

If the things contributed are perishable, or if they can not be kept without deteriorating, or if they were contributed to be sold, the risk shall be borne by the partnership. It shall also be borne by the same in the absence of a special agreement with regard to the things contributed and appraised in the inventory, and, in such case, the claim shall be limited to the value at which they were appraised.

SECTION 1590.—The partnership is liable to every partner for the amounts he may have disbursed on account of the same and for the proper interest; it shall also be liable to every partner for the obligations he may have contracted in good faith by reason of the partnership business, and for risks inseparable from its management.

SECTION 1591.—The losses and profits shall be distributed in accordance with what has been agreed upon. If an agreement exists only with regard to the share of each one in the profits, his share in the losses shall be in the same proportion.

In the absence of an agreement, the share of each partner in the profits and losses shall be in proportion to what he may have contributed. The partner who

contributes his services only shall receive a share equal to the one who has contributed the least. If besides his services he should have contributed capital, he shall also receive the proportional share which may pertain to him for this capital.

SECTION 1592.—If the partners have agreed to intrust to a third person the designation of the share of each one in the profits and losses, said designation can be impugned only if it has evidently been made contrary to equity. In no case shall the partner, who has commenced to execute the decision of the third person or who has not impugned the same within a period of three months, counted from the time he had knowledge thereof, object thereto.

The designation of the losses and profits can not be intrusted to one of the partners.

SECTION 1593.—An agreement in which one or more of the partners are excluded from any share in the profits or losses is void.

Only the partner contributing his services but no capital may be exempted from any liability in the losses.

SECTION 1594.—The partner who has been appointed manager in the articles of copartnership may execute all administrative acts, notwithstanding the opposition of his partners, unless he should act in bad faith; and his power is irrevocable without legitimate cause.

A power executed after the agreement, without there having been stipulated therein that it should be conferred, may be revoked at any time.

SECTION 1595.—If two or more partners have been intrusted with the management of the partnership without their duties having been fixed, or without a statement having been made that one of them shall not act

without the consent of the others, each one may severally exercise all acts of administration; but any of them may oppose the acts of the others before they have produced any legal effect.

SECTION 1596.—In case it should have been agreed that some of the managing partners are not to act without the consent of the others, the consent of all shall be necessary for the validity of the acts; and the absence or incapacity of any one of them can not be alleged unless there should be imminent danger of a serious or irreparable injury to the partnership.

SECTION 1597.—Should no agreement have been made with regard to the form of management, the following rules shall be observed:

1.—All the partners shall be considered agents, and whatever anyone of them may do by himself shall bind the partnership; but each one may oppose the act of the others before they may have produced any legal effect.

2.—Every partner may make use of the things which make up the partnership capital, according to the customs of the country, provided he does not do so against the interest of the partnership or in such manner as to prevent the use thereof to which his copartners are entitled.

3.—Every partner may force the others to defray together with him the expenses necessary for the preservation of the things owned in common.

4.—None of the partners can, without the consent of the others, make any alteration in the partnership real property, even should he allege that it is useful to the partnership.

SECTION 1598.—Every partner may associate another person in his share, but said person shall not enter

the partnership without the unanimous consent of the other partners, even when the former is the manager.

ARTICLE SECOND.—OBLIGATION OF PARTNERS WITH REGARD TO
THIRD PERSONS.

SECTION 1599.—In order that the partnership may be liable to a third person for the acts of one of the partners, it is necessary:

1.—That the partner should have acted as such for the account of the partnership.

2.—That he should have the power to bind the partnership by virtue of an express or implied authority.

3.—That he may have acted within the limits of his power or authority.

SECTION 1600.—Partners are not jointly bound with regard to the debts of the partnership, and none of them can bind the others by a personal act, if they have not granted him a power therefor.

The partnership is not liable with regard to third persons for an act which one partner may have performed in his own name or without a power from the partnership therefor; but it is liable to the partner in so far as said acts have benefited said partnership.

The provisions of this section shall be understood without prejudice to the provisions of rule first of Section 1597.

SECTION 1601.—The creditors of the partnership shall be preferred to the creditors of each partner with regard to the partnership property. Without prejudice to this right, the private creditors of each partner may demand the attachment and sale at auction of the latter's share in the partnership capital.

CHAPTER III

MANNERS OF DISSOLVING PARTNERSHIP.

SECTION 1602.—Partnership is dissolved:

1. When the term for which it was constituted expires.

2. When the thing is lost, or the business for which it was constituted ends.

3. By the natural death, civil interdiction, or insolvency of any of the partners, and in the case prescribed in Section 1601.

4. By the will of any of the partners, subject to the provisions of Sections 1607 and 1609.

The partnerships referred to in Section 1572 are excepted from the provisions of number 3 and 4 of this Section, in the cases in which they should exist, according to the Code of Commerce.

SECTION 1603.—If a specific thing, which a partner had promised to contribute to the partnership, perishes before the delivery has been effected, its loss produces the dissolution of the partnership.

A partnership shall also be dissolved, in any case, by the loss of the thing, when the partner who contributes it reserves to himself the ownership thereof and transfers to the partnership the use or enjoyment of the same only.

But the partnership shall not be dissolved by the loss of the thing when this loss occurs after the ownership thereof has been acquired by the partnership.

SECTION 1604.—A partnership established for a specified time may be extended by the consent of all the partners.

The consent may be express or implied and it may be proven by the ordinary means.

SECTION 1605.—If the partnership is extended after the expiration of its term, it is understood that a new partnership is established. If it is extended before the expiration of the term, the original partnership continues.

SECTION 1606.—A stipulation is valid which provides that on the death of one of the partners the partnership shall continue among the survivors. In such case the heir of the deceased shall only be entitled to have a division made, fixing it on the day of the death of his constituent; and he shall participate in the subsequent rights and obligations only in so far as they are a necessary consequence of what has been done before said day.

If the stipulation should be that the partnership shall continue with the heir, it shall be enforced without prejudice to the provisions of No. 4 of Section 1602.

SECTION 1607.—The dissolution of the partnership by the will or withdrawal of one of the partners shall only take place when a term for its duration has not been fixed, or if this term does not appear from the nature of the business.

In order that the withdrawal may be of effect, it must be made in good faith at the proper time; notice thereof shall also be given to the other partners.

SECTION 1608.—A withdrawal is in bad faith when the person who make it proposes to appropriate to himself alone the benefits which should be common. In such case the person who renounces it does not free himself from liability to his partners, and they shall have the power to exclude him from the partnership.

A withdrawal shall be presumed as not made at the proper time when, the things not being integral, the partnership is interested in delaying its dissolution

In such case the partnership shall continue until the conclusion of the pending transactions.

SECTION 1609.—No partner can demand the dissolution of a partnership which either, by a provision of the articles or by the nature of the business, has been constituted for a specified time unless there should exist sufficient reason, such as when one of the partners fails to comply with his obligations, or when he becomes incapacitated for the partnership business, or any other similar cause, in the judgment of the courts.

SECTION 1610.—The distribution among the partners shall be governed by the rules for inheritances, with regard to its form as well as to the obligations arising therefrom. The partner contributing his services only shall not be given any part of the property contributed, but only its fruits and profits, in accordance with the provisions of Section 1591 unless the contrary has been expressly stipulated.

TITLE IX.

AGENCY.

CHAPTER I.

CHARACTER FORM, AND KINDS OF AGENCY

SECTION 1611.—By the contract of agency, a person binds himself to render some service, or to do something for the account or at the request of another.

SECTION 1612.—An agency may be express or implied.

An express agency may be given by a public or private instrument and even by parol.

The acceptance may also be express or implied, the latter being inferred the acts of the agent.

SECTION 1613.—In the absence of an agreement to the contrary, the agency is presumed to be gratuitous.

Nevertheless, if the agent has for an occupation the performance of services of the kind to which the agency refers, the obligation of compensating him is presumed.

SECTION 1614.—Agency is general or special.

The former includes all the business of the principal.

The latter, one or more specific transactions.

SECTION 1615.—An agency stated in general terms only includes acts of administration.

In order to compromise, alienate, mortgage, or to execute any other act of strict ownership an express commission is required.

The power to compromise does not give authority to place the matter in the hands of arbitrators or amicable compromisers.

SECTION 1616.—An agent can not exceed the scope of his authority.

SECTION 1617.—The scope of the authority shall not be considered as exceeded if it should be fulfilled in a manner more advantageous for the principal than that specified by him.

SECTION 1618.—An emancipated minor can be an agent; but the principal shall only have an action against him in accordance with the provisions regarding the obligations of minors.

SECTION 1619.—When an agent acts in his own name the principal shall have no action against the persons with whom the agent has contracted, nor the said persons against the principal.

In such case, the agent is directly liable to the person with whom he has contracted, as if the transaction were his own. The case involving things belonging to the principal is excepted.

The provision of this article shall be understood without prejudice to actions between principal and agent.

CHAPTER II.

OBLIGATIONS OF THE AGENT.

SECTION 1620.—An agent by his acceptance remains bound to fulfill the agency and shall be liable for the losses and damages caused to the principal through his noncompliance.

He must also finish business already begun on the death of the principal, when there is any danger in delay.

SECTION 1621.—In complying with the agency, the agent shall follow the instructions of the principal.

In their absence, he shall do all that which, according to the character of the business, would be done by a good father of a family.

SECTION 1622.—Every agent is bound to give an account of his transactions and to pay to the principal all that he may have received by virtue of the agency even though what has been received is not owed to the principal.

SECTION 1623.—An agent may appoint a substitute when the principal has not forbidden him to do so; but he shall be liable for the acts of the substitute—

1. When the power to appoint such substitute was not granted him.

2. When such power was granted him, but without designating the person, and the person appointed is well known to be incapacitated or insolvent.

What is done by the substitute, appointed against the prohibition of the principal, shall be void.

SECTION 1624.—In the cases included in the two

numbers of the preceding section, the principal may furthermore bring an action against the substitute.

SECTION 1625.—The liability of two or more agents, even though they should have been simultaneously appointed, is not joint unless it has been so stated.

SECTION 1626.—An agent shall owe interest for the sums he has applied to his own use, from the day on which he did so, and for those which he still owes, after the expiration of the agency, and from the time of his default.

SECTION 1627.—An agent who acts as such is not personally liable to the person with whom he contracted, unless he expressly binds himself therefor, or when he exceeds the scope of the authority without giving him sufficient notice of his powers.

SECTION 1628.—An agent is liable not only for fraud but also for negligence, which must be judged with more or less severity by the courts, according as to whether the agency may have been gratuitous or otherwise.

CHAPTER III.

OBLIGATIONS OF THE PRINCIPAL.

SECTION 1629.—A principal must fulfill all the obligations which the agent may have contracted, within the scope of his authority.

A principal is liable, in so far as the agent has exceeded his power, only when he ratifies the same, expressly or in an implied manner.

SECTION 1630.—A principal must advance to the agent, if the latter should request it, the amounts necessary for the execution of the agency.

Should the agent have advanced them, the principal must reimburse him for the same, even if the tran-

saction should not have succeeded, provided the agent should have been exempted from blame.

The reimbursement shall include interest on the amounts advanced, counted from the day on which the advance was made.

SECTION 1631.—The principal must also indemnify the agent for all losses and damages he may incur in complying with the agency, without fault nor imprudence on the part of said agent.

SECTION 1632.—The agent may retain the things which are the objects of the agency in pledge until the principal pays the indemnity and reimbursement referred to in the two preceding sections.

SECTION 1633.—If two or more persons have appointed an agent for a common transaction, they shall be jointly liable to the latter for all the effects of the agency.

CHAPTER IV.

MANNER OF TERMINATING THE AGENCY.

SECTION 1634.—Agency is terminated.—

1. By revocation.
2. By withdrawal of the agent.
3. By death, interdiction, bankruptcy, or insolvency of the principal or of the agent.

SECTION 1635.—The principal may, at his will, revoke the power and compel the agent to return the instrument containing the same in which the authority was given.

SECTION 1636.—If the agency should have been granted to contract with determined persons, its revocation can not prejudice them unless they were given notice.

SECTION 1637.—The appointment of a new agent for

the same business produces a revocation of the previous agency from the day on which notice was given to the former agent, excepting the provisions of the preceding section.

SECTION 1638.—An agent may withdraw from the agency by giving notice to the principal. Should the latter suffer any losses through the withdrawal, the agent must indemnify him therefor, unless said agent bases his withdrawal upon the impossibility of continuing to act as such without serious detriment to himself.

SECTION 1639.—Even should the agent renounce the agency for sufficient cause, he must continue as such until the principal should have been able to take the necessary steps to provide therefor.

SECTION 1640.—What has been done by the agent, when he was not aware of the death of the principal, or of any other of the causes which terminate the agency, shall be valid and of effect with regard to third persons who may have contracted with the agent in good faith.

SECTION 1641.—In case the agent dies, his heirs must inform the principal thereof, and meanwhile adopt the measures which circumstances may require for the interest of the latter.

TITLE X.

LOANS.

GENERAL PROVISION.

SECTION 1642.—By the contract of loan, one of the parties delivers to the other, either anything not perishable, in order that the latter may use it during a certain period and return it to the former, in which case

it is called commodatum, or money or any other perishable thing, under the condition to return an equal amount of the same kind and quality, in which case it is merely called a loan.

Commodatum is essentially gratuitous.

A simple loan may be gratuitous, or made under a stipulation to pay interest.

CHAPTER I.

COMMODATUM.

ARTICLE FIRST-NATURE OF COMMODATUM.

SECTION 1643.—The bailor retains the ownership of the thing loaned. The bailee acquires the use thereof but not its fruits; if any compensation is involved, to be paid by the person requiring the use, the agreement ceases to be a commodatum.

SECTION 1644.—The obligations and rights which arise from the commodatum pass to the heirs of both contracting parties, unless the loan has been made in consideration for the person of the bailee, in which case his heirs shall not have the right to continue using the thing loaned.

ARTICLE SECOND.—OBLIGATIONS OF THE BAILEE.

SECTION 1645.—The bailee is obliged to pay the ordinary expenses which are necessary for the use and preservation of the thing loaned.

SECTION 1646.—If the bailee puts the thing to a different use than that for which it was loaned, or keeps it in his possession for a longer time than that agreed upon he shall be liable for its loss, even when said loss occurs by reason of a fortuitous event.

SECTION 1647.—If the thing loaned was delivered under appraisal and is lost, even it be by reason of a

fortuitous event, the bailee shall be liable for its value unless there is an agreement in which he is expressly exempted from liability.

SECTION 1648.—The bailee is not liable for the wear and tear suffered by the thing loaned by reason of its use only, and without his fault.

SECTION 1649.—A bailee can not retain the thing loaned under the pretext that the bailor owes him something, even should it be by reason of expenses.

SECTION 1650.—All the bailees to whom the thing is jointly loaned shall be jointly liable for the same, in accordance with the provisions of this article.

ARTICLE THIRD.—OBLIGATIONS OF THE BAILOR.

SECTION 1651.—A bailor cannot not demand the thing loaned, except after the termination of the use for which he loaned it. Nevertheless, if before this period the bailor has an urgent necessity for the same, he may demand its restitution.

SECTION 1652.—If the duration of the commodatum should not have been stipulated nor the use to which the thing loaned was to be devoted, and the latter should not be determined by the customs of the land, the bailor may demand it at his will.

In case of doubt the burden of proof falls upon the bailee.

SECTION 1653.—The bailor must pay the extraordinary expenses arising during the contract for the preservation of the thing loaned, provided that the bailee informs him thereof before making them, unless they should be so urgent that the answer to the notice cannot be waited for without risk.

SECTION 1654.—The bailor who, knowing the vices of the thing loaned, should not have informed the bai-

lee thereof, shall be liable to him for the damages he may have suffered by reason thereof.

CHAPTER II.

SIMPLE LOAN.

SECTION 1655.—A person receiving money or any other perishable thing on loan acquires its ownership, and is bound to return to the creditor an equal amount of the same kind and quality.

SECTION 1656.—The obligation of a person taking money on loan shall be governed by the provisions of Section 1138 of this Code.

If what has been loaned is another perishable thing, or a quantity of metal, not coined, the debtor owes a quantity equal to that received, and of the same kind and quality, even though it may have suffered a change in its value.

SECTION 1657.—Interest shall only be owed when it has been expressly stipulated.

SECTION 1658.—A borrower who has paid interest without it being stipulated can not claim it nor charge it to the capital.

SECTION 1659.—Pawn shops shall furthermore be subject to the proper regulations.

TITLE XI.

DEPOSITUM.

CHAPTER I.

DEPOSITUM IN GENERAL AND ITS DIFFERENT KINDS.

SECTION 1660.—A depositum is constituted from the time a person receives a thing belonging to another with the obligation of keeping and returning it.

SECTION 1661.—A depositum may be constituted judicially or extrajudicially.

CHAPTER II.

DEPOSITUM PROPERLY SPEAKING.

ARTICLE FIRST.—NATURE AND ESSENCE OF THE CONTRACT OF DEPOSITUM.

SECTION 1662.—Depositum is a gratuitous contract, unless there is an agreement to the contrary.

SECTION 1663.—Personal property only can be an object of a depositum.

SECTION 1664.—An extrajudicial depositum is either necessary or voluntary.

ARTICLE SECOND.—VOLUNTARY DEPOSITUM.

SECTION 1665.—A voluntary depositum is that in which delivery is made by the will of the bailor. The depositum may be made by two or more persons who believe themselves to have a right to the thing bailed in the hands of a third person, who shall, in a proper case, deliver said thing to the proper person.

SECTION 1666.—If a person qualified to contract accepts the depositum made by another who is an incapacitated person, the former is subject to all the obligations of a bailee, and may be compelled to return it by the guardian, curator, or administrator of the person who made the depositum, or by the same person, should he become qualified.

SECTION 1667.—If the depositum has been made by a qualified person, in the hands of another who is incapacitated, the bailor shall only have the action to recover the thing bailed as long as it remains in the possession of the bailee, or to compel the latter to pay him the sum by which he may have profited by the thing, or its price.

ARTICLE THIRD.—OBLIGATIONS OF THE BAILEE.

SECTION 1668.—A bailee is obliged to keep the thing, and, when required, to return it to the bailor or to his legal representatives, or to the person who may have been designated in the contract. His liability, with regard to the keeping and loss of the thing, shall be governed by the provisions of Title first of this Book.

SECTION 1669.—The bailee can not make use of the thing bailed without the express permission of the bailor.

Otherwise he shall be liable for losses and damages.

SECTION 1670.—When the bailee has permission to make use of the thing bailed, the contract loses the character of a depositum and becomes a loan or a commodatum.

The permission shall not be presumed, and its existence must be proven.

SECTION 1671.—When the thing bailed is delivered closed and sealed, the bailee must return it in the same condition, and shall be liable for the losses and damages if the seal or lock should have been broken by his fault.

Such bailee is presumed to be to blame unless the contrary is proven.

With regard to the value of the thing bailed, the statement of the bailor shall be admitted when the forcible opening can be charged to the bailee, should there be no proof to the contrary.

SECTION 1672.—The thing bailed shall be returned with all its proceeds and accretions.

Should the depositum consist of money, the provisions relating to agents, contained in Section 1626, shall be applied to the bailee.

SECTION 1673.—The bailee can not demand that the bailor prove that he is the owner of the thing bailed.

Nevertheless, should he discover that the thing has been stolen and who is its true owner, he must inform the latter of the depositum.

If the owner, notwithstanding this, does not claim the depositum within the term of one month, the bailee shall be free from any liability by returning the thing bailed to the person from whom he received it.

SECTION 1674.—If there are two or more bailors, and they should not be joint and the thing can be divided, each one can demand his part only.

When they are joint bailors, or the thing does not admit of division, the provisions of Sections 1108 and 1109 of this Code shall govern.

SECTION 1675.—When the bailor loses his capacity to contract, after having made the depositum, the latter can not be returned except to the persons who have the administration of his property and rights.

SECTION 1676.—When, on making the depositum, a place was designated for the return of the thing bailed, the bailee must take the thing bailed to such place; but the expense incurred by the conveyance shall be charged to the bailor.

Should no place have been designated for the return, it shall be made at the place where the thing bailed may be, even should it not be the same place where the depositum was made, provided there was no malice on the part of the bailee.

SECTION 1677.—The depositum shall be returned to the bailor when he claims it, even though a specified term or time for such return may have been fixed in the contract.

This provision shall not be observed when the depositum in the possession of the bailee has been judicially attached, or should the latter have been notified

of the objection of a third person to the return or to the transfer of the thing bailed.

SECTION 1678.—The bailee, who may have sufficient reasons for not keeping the depositum may, even before the term designated, return it to the bailor, and if the latter refuses it, he may obtain its consignment from the judge.

SECTION 1679.—The bailee, who may have lost the thing bailed through force majeure and received another in its place, shall be obliged to deliver the latter to the bailor.

SECTION 1680.—The heir of the bailor who, in good faith, may have sold the thing which he did not know was bailed, is only obliged to return the price he may have received or to assign his actions against the purchaser in case the price should not have been paid to him.

ARTICLE FOURTH.—OBLIGATIONS OF THE BAILOR.

SECTION 1681.—A bailor is obliged to reimburse the bailee for the expenses he may have incurred in the preservation of the thing bailed, and to indemnify him for all the injuries he may have suffered by reason of the depositum.

SECTION 1682.—The bailee may retain the thing bailed until the full payment of what is due him by reason of the depositum.

ARTICLE FIFTH.—NECESSARY DEPOSITUM.

SECTION 1683.—A depositum is necessary.

1. When made in compliance with a legal obligation.

2. When it takes place on account of any calamity such as fire, ruin, pillage, shipwreck, or other similar cases.

SECTION 1684.—The depositum included in the first number of the preceding section shall be governed by the provisions of the law which establishes it, and, in the absence thereof, by those of voluntary depositum.

Those included in the second number shall be governed by the rules of voluntary depositum.

SECTION 1685.—The depositum of goods made by travelers in inns or hostelries shall also be considered a necessary one. The keepers of inns and hostelries are liable for them as such bailees provided that notice thereof may have been given to them or to their employees, and that the travelers on their part take the precautions which said innkeepers or their substitutes may have advised them concerning the care and vigilance of said goods.

SECTION 1686.—The liability referred to in the preceding section shall include damages to the goods of the travelers caused by servants or employees of the keepers of inns or hostelries as well as by strangers, but not those arising from robbery or which may be caused by any other case of force majeure.

CHAPTER III.

SECUESTRATION.

SECTION 1687.—A judicial deposit or secuestration takes place when an attachment or placing in security of property in litigation is ordered.

SECTION 1688.—Personal as well as real property may be subject to secuestration.

SECTION 1689.—The bailee of the property of things secuestrated can not be released from his charge until the controversy which caused it is ended, unless the court or judge order it on account of the consent of all the persons interested, or for any other legal cause.

SECTION 1690.—The bailee of property sequestrated is obliged to comply with regard thereto with all the obligations of a good father of a family.

SECTION 1691.—Judicial sequestration shall be governed by the provisions of the law of civil procedure in whatever is not prescribed in this Code.

TITLE XII.

ALEATORY CONTRACTS, OR THOSE DEPENDING ON CHANCE.

CHAPTER I.

GENERAL PROVISION.

SECTION 1692.—By an aleatory contract one of the parties binds himself, or both mutually bind themselves, to give or do something as an equivalent for what the other party is to give or do in case of the occurrence of an event which is uncertain or may happen at an undetermined time.

CHAPTER II.

INSURANCE CONTRACTS.

SECTION 1693.—An insurance contract is one by which the underwriter is liable for the fortuitous damages which may occur to the insured personal or real property, in consideration of a certain price, which may be unrestrictedly fixed by the parties.

SECTION 1694.—Two or more owners may mutually insure against fortuitous damages which may occur to their respective property. This contract is called mutual insurance, and, when it has not been otherwise stipulated therein, it is understood that such damages shall be paid by all the contracting parties in proportion to the value of the property which each one has insured.

SECTION 1695.—An insurance contract must be made in a public or private instrument signed by the contracting parties.

SECTION 1696.—Said instrument must specify—

1. The designation and situation of the things insured and their value.
2. The kind of risks for which indemnity is stipulated.
3. The day and hour on which the effects of the contract commence and end.
4. All the other conditions to which the contracting parties have agreed.

SECTION 1697.—The contract is of no effect with regard to the part in which the amount of the insurance exceeds the value of the thing insured, and more than one insurance can not be collected for the whole value of the same.

Should two or more insurance contracts exist involving the same object, each underwriter shall be liable for the damage, in proportion to the capital he may have insured, until the full value of the thing insured has been paid by them.

SECTION 1698.—Should the damage occur, the insured must inform the underwriter and all the other persons concerned thereof within the stipulated time, and, in its absence, within twenty-four hours, to be counted from the time the insured had knowledge of the loss. Should he not do so, he shall have no action against them.

SECTION 1699.—A contract shall be void if at the time it was made the insured knew that the damage which was the object of the same had already occurred, or if the underwriter knew that the property insured was already free from said danger.

CHAPTER III.

GAMBLING AND BETTING.

SECTION 1700.—The law does not permit any action to claim what is won in a game of chance, luck, or hazard; but the person who loses can not recover what he many have voluntarily paid, unless there should have been fraud, or should he be a minor or incapacitated to administer his property.

SECTION 1701.—The provisions of the foregoing section with regard to gambling are also applicable to betting.

Bets analogous to prohibited games are considered as prohibited.

SECTION 1702.—Games contributing to the exercise of the body, such as those the object of which is to acquire skill in the management of arms, and foot or horse races, by vehicles, ball games, and others of a similar character are not considered prohibited.

SECTION 1703.—A person who loses in a game or a bet which is not prohibited is civilly liable.

Nevertheless, the judicial authority may either not admit the claim when the sum which was wagered in the game or bet is excessive, or may reduce the obligation to the amount it may exceed the customs of a good father of a family.

CHAPTER IV.

LIFE ANNUITIES.

SECTION 1704.—An aleatory contract of annuity binds the debtor to pay a pension or annual income to one or more specified persons for life, for a principal in personal or real property the ownership of which is at once transferred to said debtor charged with the income.

SECTION 1705.—An annuity may be constituted on the life of the person who gives the capital, or that of a third person, or on that of several persons.

It may also be constituted in favor of the persons for whose life it is granted, or in favor of another or other different persons.

SECTION 1706.—An annuity constituted on the life of a person deceased at the time of its execution, or who, at the same time, may be suffering from disease which may cause his death within the twenty days following that date, is void.

SECTION 1707.—Default in payment of pensions due does not authorize the receiver of the life annuity to demand the reimbursement of the principal, nor to retake possession of the estate alienated; he shall only have the right to judicially demand the payment of the income in arrears and security for the future ones.

SECTION 1708.—The annuity pertaining to the year in which the person who enjoys it dies shall be paid in proportion to the days he may have lived; of it was to be paid in installments in advance, the total amount for the term which began during his life shall be paid.

SECTION 1709.—A person who, for a good consideration, constitutes an annuity on his property, may dispose, at the time of the execution of the contract, that said annuity shall not be subject to attachments for debts of the annuitant.

SECTION 1710.—An annuity can not be demanded without proving the existence of the person on whose life it may be constituted.

TITLE XIII.

COMPROMISES AND ARBITRATIONS.

CHAPTER 1.

COMPROMISES.

SECTION 1711.—A compromise is a contract by which each of the parties in interest, by giving, promising, or retaining something, avoids the provocation of a suit or terminates one that has already been instituted.

SECTION 1712.—A guardian can not compromise with regard to the rights of a person who is subject to guardianship, except in the manner prescribed in No. 12 of Section 282 and in Section 284 of Chapter VII, Title X, Book First of this Code.

The father, and the mother in a proper case, may compromise with regard to the property and rights of the child who is under his or her authority, but if the value of the object involved in the compromise should exceed five hundred dollars, it shall have no effect without judicial approval.

SECTION 1713.—Corporations which have a judicial personality may only make compromises in the manner and with the requisites necessary to alienate their property.

SECTION 1714.—A civil action arising from a crime may be compromised, but the public action for the imposition of the legal penalty shall not be extinguished thereby.

SECTION 1715.—No compromise can be made with regard to the civil status of persons, nor with regard to matrimonial questions, nor future support.

SECTION 1716.—A compromise shall only include the objects specially determined therein or which from a

necessary inference from its words must be considered as included therein.

A general renunciation of rights shall be understood as including only those relating to the question with regard to which the compromise has been made.

SECTION 1717.—A compromise has, with regard to the parties, the same authority as *res adjudicata*; but summary proceedings shall not be proper except when the fulfillment of a judicial compromise is in question.

SECTION 1718.—A compromise, in which error, deceit, violence, or forgery of documents is involved, shall be subject to the provisions of Section 1232 of this Code.

Nevertheless, one of the parties can not set up an error of fact against the other, if by reason of a compromise, the latter has withdrawn from a suit already begun.

SECTION 1719.—The discovery of new instruments is not a cause for the annulment or rescission of a compromise, if there has been no bad faith.

SECTION 1720.—If a suit having been decided by a final judgment a compromise with regard to the same should take place, because any of the parties interested did not know of the existence of said final judgment, he may demand that the compromise be rescinded.

Ignorance of a revocable judgment is not a cause for controverting a compromise.

CHAPTER II.

ARBITRATION.

SECTION 1721.—The same persons who can compromise may also submit their contentions to a third person for decision.

SECTION 1722.—The provisions of the preceding chapter with regard to compromises are applicable to arbitrations.

With regard to the form of procedure in arbitrations and to the extent and effects thereof, the provisions of the law of civil procedure shall be observed.

TITLE XIV.

SECURITY.

CHAPTER I.

NATURE AND EXTENT OF SECURITY.

SECTION 1723.—By security a person binds himself to pay or perform for a third person in case the latter should fail to do so.

If the surety binds himself jointly with the principal debtor, the provisions of Section fourth, Chapter third, Title first of this book shall be observed.

SECTION 1724.—The security may be conventional, legal, or judicial, gratuitous, or for a valuable consideration.

It may also be constituted, not only in favor of the principal debtor, but in favor of the other surety, either with the consent, ignorance, and even against the opposition of the latter.

SECTION 1725.—Security can not exist without a valid obligation.

Nevertheless, an obligation, the nullity of which may be claimed by virtue of an exception purely personal on the part of the obligor, as that of minority, may be the subject of security.

From the provisions of the preceding paragraph is excepted the case of a loan made to a minor not emancipated.

SECTION 1726.—Security may also be given as a guaranty for future debts, the amount of which is not yet known, but no action can be brought against the surety until the debt is determined.

SECTION 1727.—A surety may bind himself to less but not to more than the principal debtor as to quantity as well as to the burden of the conditions.

Should he have bound himself for more, his obligation shall be reduced to the limits of that of the debtor.

SECTION 1728.—Security is not presumed; it must be express and can not be extended further than that specified therein.

If it be simple and indefinite it shall include not only the principal obligation but all its accessories including the costs of the suit, it being understood, with regard to the latter, that the surety shall only be liable for those incurred after he has been asked to pay.

SECTION 1729.—A party who is bound to give security must present a person having capacity to bind himself, and with sufficient property to answer for the obligation which he guarantees. The surety shall be understood as subject to the jurisdiction of the court or judge of the place where this obligation is to be fulfilled.

SECTION 1730.—If the surety should become insolvent the creditor may demand another who has all the qualifications required by the preceding section. The case is excepted where the creditor has required and stipulated that a specified person should be the surety.

CHAPTER II.

EFFECTS OF SECURITY.

ARTICLE FIRST.—EFFECTS OF SECURITY BETWEEN SURETY AND CREDITOR.

SECTION 1731.—The surety can not be compelled to pay a creditor until application has been previously made of all the property of the debtor.

SECTION 1732.—This application can not take place:

1. If the surety has expressly renounced it.
2. If he has jointly bound himself with the debtor.
3. In case of bankruptcy of the debtor.
- 4.—When the debtor can not be judicially sued within Porto Rico.

SECTION 1733.—In order that the surety may avail himself of the benefit of a levy against the principal he must require it of the creditor as soon as the latter may sue for payment. and determine the property of the debtor which can be sold within Porto Rican territory and which may be sufficient to cover the amount of the debt.

SECTION 1734.—After the surety has fulfilled all the conditions of the preceding section, the creditor who is negligent in making a levy upon the property of the principal designated, shall be liable to the extent of the value of said property for the insolvency of the debtor arising from said negligence.

SECTION 1735.—A creditor may cite the surety should he institute the claim against the principal debtor, but the benefit of a levy against the principal shall always be reserved, even when a judgment is rendered against both of them.

SECTION 1736.—A compromise made by a surety with a creditor shall have no effect with regard to the principal debtor.

Neither shall that made by the latter have any effect with regard to a surety against his will.

SECTION 1737.—A surety of a surety enjoys the benefit of a levy with regard to the surety as well as to the principal debtor.

SECTION 1738.—Should there be several sureties but

only one debtor for the same debt, the liability therefor shall be divided among them all. The creditor can claim from each surety nothing but the proper portion which he may have to pay, unless the joint liability has been expressly stipulated.

The benefit of division against the co-sureties ceases in the same cases and for the same reasons as that for levy against the principal debtor.

ARTICLE SECOND.—EFFECTS OF SECURITY BETWEEN THE DEBTOR
AND THE SURETY.

SECTION 1739.—A surety who pays for a debtor shall be indemnified by the latter,

The indemnity consists of—

1. The total amount of the debt.
2. Legal interest on the same from the day on which the payment may have been communicated to the debtor, even when it did not produce interest for the creditor.
3. The expenses incurred by the surety after the latter has informed the debtor that he has been sued for payment.
4. Losses and damages, when proper.

The provisions of this section shall be valid, even should the security have been given without knowledge of the debtor.

SECTION 1740.—By virtue of such payment the surety is subrogated in all the rights which the creditor had against the debtor.

Should the surety have compromised with the creditor, he can not demand of the debtor more than that which he has really paid,

SECTION 1741.—If the surety pays without informing the debtor, the latter may use against him all the

exceptions which he could have set up against the creditor at the time of making the payment.

SECTION 1742.—If the debt was for a term and the surety paid it before it was due, he can not require the debtor to reimburse him until the period has expired.

SECTION 1743.—If the surety has paid without notifying the debtor, and the latter, not having knowledge of the payment also pays it, the former has no remedy against the debtor, but only against the creditor.

SECTION 1744.—The surety, even before paying, may proceed against the principal debtor—

1. When he is sued for the payment.
2. In case of bankruptcy or insolvency.
3. When the debtor has bound himself to relieve him from the security within a specified term, and this term has expired.
4. When the debt has become demandable because the term in which it should have paid has expired.
5. At the end of ten years, when the principal obligation has not a fixed term for its expiration, unless it be of such a nature that it can not be extinguished except in a period greater than ten years.

In all these cases the action of the surety tends to obtain his release from the security or a guaranty to defend him against any proceedings of the creditor and from the danger of insolvency of the debtor.

ARTICLE THIRD—EFFECTS OF SECURITY AS BETWEEN
THE COSURETIES

SECTION 1745.—When there are two or more sureties for the same debtor and for the same debt, the one who has paid it may demand of each of the others the part which he or they should proportionally have paid.

If any one of them should be insolvent, his part shall be paid by all in the same proportion,

In order that the provisions of this section may be applicable, the payment must have been made by virtue of judicial proceedings or when the principal debtor should have made an assignment or is a bankrupt.

SECTION 1746.—In the case of the preceding section the cosureties may set up against the one who paid, the same exceptions which would have pertained to the principal debtor against the creditor, and which may not be purely personal on the part of the same debtor.

SECTION 1747.—A subsurety, in case of the insolvency of the surety for whom he bound himself, remains liable to the cosureties in the same terms as the surety was bound.

CHAPTER III.

EXTINGUISHMENT OF SECURITY

SECTION 1748.—The obligation of the surety shall expire at the same time as that of the debtor, and for the same causes as all other obligations.

SECTION 1749.—A merger which takes place in the person of the debtor and of the surety when one of them inherits from the other does not extinguish the obligation of the subsurety.

SECTION 1750.—If the creditor voluntarily accepts real estate or any other goods in payment of the debt, even should he afterwards lose them on account of eviction, the surety shall be released.

SECTION 1751.—Liberation, made by a creditor of one of the sureties without the consent of the others, shall benefit all the others to the extent of the portion of the surety to whom it has been granted.

SECTION 1752.—The extension granted to the debtor by the creditor, without the consent of the surety, extinguishes the security.

SECTION 1753.—The sureties, even when they are joint, shall be released from their obligation whenever by an act of the creditor they can not be subrogated to the rights, mortgages, and privileges of the same.

SECTION 1754.—A surety may set up against the creditor all the exceptions which pertain to the principal debtor and which may be inherent to the debt; but not those which may be purely personal to the debtor.

CHAPTER IV

LEGAL AND JUDICIAL SECURITY

SECTION 1755.—Sureties, who must act by provision of law or by a judicial decree, shall possess the qualifications prescribed in Section 1729.

SECTION 1756.—If the person who is bound to give the security, in the cases of the preceding section, should not obtain it, a pledge or mortgage which may be considered sufficient to cover his obligation shall be admitted in place thereof.

SECTION 1757.—A judicial surety cannot demand a levy on the property of the principal debtor.

A subsurety who offers security for a surety, in the same case, can not demand either a levy on the property of the debtor nor on that of the surety.

TITLE XV.

CONTRACTS OF PLEDGE, MORTGAGE, AND ANTICHRESIS.

CHAPTER I.

PROVISIONS COMMON TO PLEDGE AND MORTGAGE.

SECTION 1758.—The following are essential requisites of the contracts of pledge and of mortgage:

1. That they be constituted to secure the fulfillment of a principal obligation.

2. That the thing pledged or mortgaged is owned by the person who pledges or mortgages it.

3. That the persons who constitute the pledge or mortgage have the free disposition of their property, and, should they not have it, that they are legally authorized for the purpose.

Third persons, strangers to the principal obligation, may secure the latter by pledging or mortgaging their own property.

SECTION 1759.—It is also essential in these contracts that when the principal obligation is due, the things of which the pledge or mortgage consists may be alienated to pay the creditor.

SECTION 1760.—A creditor can not appropriate to himself the things given in pledge or mortgage, nor dispose of them.

SECTION 1761.—The pledge and the mortgage are indivisible, even if the debt should be divided among the legal representatives of the debtor or of the creditor.

Therefore, an heir of the debtor who may have paid a part of the debt can not request that the pledge or mortgage be proportionally extinguished as long as the debt has not been paid in full.

Neither can the heir of the creditor, who received his part of the debt, return the pledge nor cancel the mortgage to the prejudice of the other heirs who have not been paid.

From these provisions is excepted the case in which there are several things given in mortgage or pledge and each of them secures only a specified part of the credit.

The debtor in such case shall be entitled to have the pledge or mortgage extinguished in proportion as

he pays the part of the debt for which each thing is specially liable.

SECTION 1762.—Contracts of pledge and mortgage may secure all kinds of obligations, either pure or subject to conditions precedent or subsequent.

SECTION 1763.—A promise to constitute a pledge or mortgage gives rise only to a personal action among the contracting parties, without prejudice to the criminal liability which a person incurs who defrauds another, offering in pledge or mortgage as unincumbered things which he knew were incumbered, or pretending to be the owner of things which do not belong to him.

CHAPTER II.

PLEDGE.

SECTION 1764.—Besides the requisites mentioned in Section 1758 it is necessary, in order to constitute the contract of pledge, that the pledge should be placed in possession of the creditor or of a third person by common consent.

SECTION 1765.—All personal property which is the object of commerce may be given as a pledge, provided it be capable of being possessed.

SECTION 1766.—A pledge shall not be effective against a third person, when evidence of its date does not appear in a public instrument.

SECTION 1767.—A contract of pledge gives a right to the creditor to retain the thing in his possession or in that of the third person to whom it may have been delivered until his credit is paid.

If, while the creditor retains the pledge, the debtor should contract with him another debt demandable before the first one has been paid, the former may extend

the retention until both credits are paid him, even should it not have been stipulated that the pledge should be subject to the security for the second debt.

SECTION 1768.—The creditor must take care of the thing given in pledge with the diligence of a good father of a family; he has a right to recover the expenses incurred for its preservation and is liable for its loss or deterioration, in accordance with the provisions of this Code.

SECTION 1769.—If the pledge produces interest, the creditor shall set off the sum collected by him against that due him, and if none is due him, or to the extent that it exceeds that legally due, he shall charge it to the principal.

SECTION 1770.—As long as the thing given in pledge is not taken by eminent domain, the debtor continues to be the owner thereof.

Nevertheless, the creditor may exercise the actions which pertain to the owner of the thing pledged, in order to reclaim or defend it against a third person.

SECTION 1771.—The creditor can not make use of a thing given in pledge without the authorization of the owner, and should he do so, or misuse said thing in any other manner, the latter may demand that it be made a depositum.

SECTION 1772.—The debtor can not demand the restitution of the thing pledged, against the will of the creditor, until he has paid the debt and its interest, with the expenses, in a proper case.

SECTION 1773.—A creditor to whom the debt has not been paid at the proper time may proceed, before a notary, to alienate the pledge. This alienation must necessarily take place at public auction, and with the citation of the debtor and of the owner of the pledge,

in a proper case. If the pledge should not have been alienated at the first auction a second one, with the same formalities, may be held; and should no result be attained the creditor may become the owner of the pledge. In such case he shall be obliged to give a discharge for the full amount of his credit.

If the pledge should consist of securities quoted on exchange, they shall be sold in the manner prescribed in the Code of Commerce.

SECTION 1774.—With regard to public institutions which by their character or special purpose loan money on pledge, the special laws and regulations relating thereto, and subsidiarily the provisions of this Title, shall be observed.

CHAPTER III.

MORTGAGE.

SECTION 1775.—The following property only can be the subject of a mortgage contract:

1. Real property.
- 2 Property rights in real estate which can be alienated in accordance with law.

SECTION 1776.—Besides the requisites mentioned in Section 1758, it is indispensable, in order that the mortgage may be validly constituted, that the instrument in which it is created be entered in the registry of property.

The persons in whose favor the law creates a mortgage shall have no other right than to demand the execution and entry of the instrument in which the mortgage may be constituted, without prejudice to the provisions of the mortgage law in favor of the People of Porto Rico and of the municipalities for the amount of the last year's taxes, and in favor of the underwriters for the premium of the insurance.

SECTION 1777.—A mortgage directly and immediately subjects the property on which it is imposed, whoever its possessor may be, to the fulfillment of the obligation for the security of which it was created.

SECTION 1778.—A mortgage includes the natural accessions, improvements, growing fruits, and rents not collected when the obligation is due, and the amount of the indemnities granted or due the owner by the underwriters of the property mortgaged or by virtue of the exercise of eminent domain by reason of public utility, with the declarations, amplifications, and limitations established by law, in case the estate continues in the possession of the person who mortgaged it, as well as when it passes into the hands of a third person.

SECTION 1779.—A mortgage credit may be alienated or assigned to a third person, wholly or partially, with the formalities required by law.

SECTION 1780.—A creditor may demand from the third possessor of the property mortgaged the payment of the part of the credit secured with what the latter may possess, in the terms and with the formalities established by law.

SECTION 1781.—The form, extension, and effects of the mortgage, as well as all that relating to its creation, modification, and extinction, and all that which may not have been included in this Chapter, shall be subject to the provisions of the mortgage law, which continues in force.

CHAPTER IV.

ANTICHRESIS.

SECTION 1782.—By antichresis a creditor acquires a right to receive the fruits of real property of his debtor, with the obligation to apply them to the payment of

interest, if due, and afterwards to the principal of his credit.

SECTION 1783.—A creditor is obliged to pay the taxes and charges which burden the estate, unless there is an agreement to the contrary.

He shall also be obliged to pay the expenses necessary for its preservation and repair.

From the fruits there shall be deducted the sums which he may employ for both purposes.

SECTION 1784.—The debtor can not recover the enjoyment of the real property without previously paying in full what he owes to his creditor.

But the latter, in order to free himself from the obligations imposed on him by the preceding section, may always compel the debtor to reenter upon the enjoyment of the estate, unless there be an agreement to the contrary.

SECTION 1785.—The creditor does not acquire the ownership of the real property by nonpayment of the debt within the term agreed upon.

Any stipulation to the contrary shall be void. But in this case the creditor may demand, in the manner prescribed in the law of civil procedure, the payment of the debt or the sale of the realty.

SECTION 1786.—The contracting parties may stipulate that the interest of the debt be set off against the fruits of the estate given in antichresis.

SECTION 1787.—The last paragraph of Section 1758, the second paragraph of Section 1767, and Sections 1761 and 1762 are applicable to this contract.

TITLE XVI.

OBLIGATIONS CONTRACTED WITHOUT AGREEMENT.

CHAPTER I.

QUASI CONTRACTS

SECTION 1788.—Quasi contracts are licit and purely voluntary acts by which the author thereof becomes obligated with regard to a third person, and, sometimes, by which there results a reciprocal obligation between the parties concerned.

ARTICLE FIRST.—MANAGEMENT OF ANOTHER'S BUSINESS.

SECTION 1789.—A person who voluntarily takes charge of the agency or administration of the business of another, without authorization, is obliged to continue managing the same until the end of the business and its incidents, or to notify the interested person in order that the latter may come to substitute him in his management, should he be in a condition to do so for himself.

SECTION 1790.—An officious manager must fulfill his charge with all the diligence of a good father of a family and indemnify for injuries which, through his fault or negligence, may be caused to the owner of the property or business he may be managing.

Nevertheless, the courts may reduce the amount of the indemnity, according to the circumstances of the case.

SECTION 1791.—If the manager should delegate all or some of the duties of his charge to another person, he shall answer for the acts of the delegate, without prejudice to the direct obligation of the latter to the owner of the business.

The liability of the managers, should there be two or more, shall be joint.

SECTION 1792.—The manager of a business shall be liable for a fortuitous event, should he undertake risky transactions, which the owner was not in the habit of undertaking, or should he have relegated the interests of the latter in favor of his own business.

SECTION 1793.—The ratification of the management by the owner of the business produces the effects of an express authorization.

SECTION 1794.—The owner of property or a business who avails himself of the advantages of the administration of another, even when he has not expressly ratified it, shall be liable for the obligations contracted for his benefit, and he shall indemnify the administrator for the necessary and useful expenses which he may have incurred and for the losses he may have suffered in the discharge of his duties.

The same obligation shall pertain to said owner when the object of said administration should have been to avoid any imminent or manifest damage, even when no profit results therefrom.

SECTION 1795.—When, without knowledge of the person who is bound to give support, a stranger supplies it, the latter shall have the right to demand the same from the former, unless it appears that he gave it out of charity, and without the intention of recovering it,

The funeral expenses, in proportion to the status of the person and to the customs of the locality, must be paid by those who during life would have had the obligation to support him, even though the deceased should have left no property.

ARTICLE SECOND.—COLLECTION OF WHAT IS NOT DUE.

SECTION 1796.—If a thing is received when there was no right to claim it and which, through an error, has been unduly delivered, there arises an obligation to restore the same.

SECTION 1797.—A person who accepts a payment not due, should he have acted in bad faith, must pay the legal interest when money is involved, or for the fruits collected or which ought to have been collected, if the thing received should produce them.

He shall furthermore be liable for the impairments the thing may have suffered on account of any cause whatsoever and for the damages caused to the person who delivered it, until he recovers it. He shall not be liable for fortuitous events, when they may have affected the things in the same manner should they have been in the possession of the person who delivered them.

SECTION 1798.—A person, who in good faith should have accepted a payment of a certain and specified thing not due, shall only be liable for the impairment or loss of the latter and its accessories, in so far as he may have enriched himself by it. Should he have alienated it he shall return the price or assign the action to recover it.

SECTION 1799.—With regard to the payment for improvements and expenses, made by the person who unduly received the thing, the provisions of Title fifth of Book second shall be observed.

SECTION 1800.—The person shall be exempted from the obligation of restitution, who, believing in good faith that the payment was made on the account of a legitimate and existing credit, should destroy the title

or should allow the action to prescribe, or should abandon the pledges or cancel the guaranties of his right. A person who has unduly made a payment may only address himself to the true debtor or to the sureties with regard to whom the action may still be in force.

SECTION 1801.—The proof of payment is incumbent upon the person who claims to have made the same. He shall also be obliged to prove the error under which he made it, unless the defendant denies having received the thing claimed from him. In such case, if the plaintiff should have proven the delivery, he shall be released from any further proof. This does not limit the right of the defendant to justify that what he is supposed to have received was due him.

SECTION 1802.—It is presumed that there was an error in the payment when a thing which was never owed or which was already paid for has been delivered, but the person from whom the return is asked may prove that the delivery was made through liberality or for any other sufficient cause.

CHAPTER II.

OBLIGATIONS WHICH ARISE FROM FAULT OR NEGLIGENCE.

SECTION 1803.—A person who by an act or omission causes damage to another when there is fault or negligence shall be obliged to repair the damage so done.

SECTION 1804.—The obligation imposed by the preceding section is demandable, not only for personal acts and omissions, but also for those of the persons for whom they should be responsible.

The father, and on his death or incapacity the mother, is liable for the damages caused by the minors who live with them.

Guardians are liable for the damages caused by

minors or incapacitated persons who are under their authority and live with them.

Owners or directors of an establishment or enterprise are equally liable for the damages caused by their employees in the service of the branches in which the latter may be employed or on account of their duties.

The State is liable in this sense when it acts through a special agent, but not when the damage should have been caused by the official to whom properly it pertained to do the act performed, in which case the provisions of the preceding section shall be applicable.

Finally, masters or directors of arts and trades are liable for the damages caused by their pupils or apprentices while they are under their custody.

The liability referred to in this section shall cease when the persons mentioned therein prove that they employed all the diligence of a good father of a family to avoid the damage.

SECTION 1805.—A person who pays for the damage caused by his employees may recover from the latter what he may have paid.

SECTION 1806.—The possessor of an animal, or the one who uses the same, is liable for the damages it may cause, even when said animal should escape from him or stray.

This liability shall cease only in case the damage should arise from force majeure or from the fault of the person who may have suffered it.

SECTION 1807.—The owner of a game preserve shall be liable for the damage caused by the game to the neighboring estates, should he not have done what may have been necessary to avoid the increase of the same

or should he have hindered the efforts of the owners of said estates to hunt.

SECTION 1808.—The owner of a building is liable for the damages which may result from the collapse of the whole or a part thereof, if it should occur through the absence of the necessary repairs.

SECTION 1809.—The owners shall also be liable for the damages caused—

1. By the explosion of machines which may not have been cared for with due diligence, and for kindling of explosive substances, which may not have been placed in a safe and proper place.

2. By excessive smoke, which may be noxious to persons or properties.

3. By the fall of trees, located in places of transit, when not caused by force majeure.

4. By the emanations of sewers or deposits of infectious matters, when constructed without precautions proper for the place where they are located.

SECTION 1810.—Should the damages referred to in the two preceding sections arise from defects in construction, the third person who suffers it may only claim damages of the architect, or, in a proper case, of the constructor, within the legal period.

SECTION 1811.—The head of a family who dwells in a house, or in a part of the same, is liable for the damages caused by the things which may be thrown or which may fall therefrom.

TITLE XVII.

CONCURRENCE AND PREFERENCE OF CREDITS.

CHAPTER I.

GENERAL PROVISIONS.

SECTION 1812.—A debtor is liable for the fulfillment of his obligations with all his present and future property.

SECTION 1813.—A debtor may judicially ask from his creditors a reduction in the amount and an extension of time in the payment of his debts, or either of the two things, but the exercise of this right shall not produce judicial effects, except in the cases and in the manner prescribed in the law of civil procedure.

SECTION 1814.—A debtor, whose liabilities are greater than his assets, and who may have failed to meet his current obligations, must file a petition in bankruptcy (*concurso*) in a competent court, as soon as he is aware of being in such condition.

SECTION 1815.—A declaration in bankruptcy disqualifies the bankrupt (*concurso*) to administer his property and any other, which by law pertains to him.

He shall be reinstated in his rights, upon the termination of the bankruptcy, if no cause preventing it should appear from the qualification of bankruptcy.

SECTION 1816.—By the declaration in bankruptcy, all the immature debts of the bankrupt become due.

Should they be paid before the time fixed in the obligation, they shall suffer the discount in proportion to the amount of the legal interest on the money,

SECTION 1817.—From the date of the declaration in bankruptcy, all the debts of the bankrupt shall cease

to bear interest, with the exception of mortgage and pledge credits to the amount of their respective guaranties.

If, after the principal of the debts has been paid, a balance should remain, interest shall be paid, reduced to the legal rate, unless that stipulated is less.

SECTION 1818.—Settlements, which the debtor and his creditors may judicially agree to, with formalities of law with regard to the reduction of the amount and extension of time, or in bankruptcy, shall be binding on all the concurrent parties and on those who, having been cited and notified in due form, should not have protested in time. The creditors who, having the right to abstain, should have duly made use of such right, are excepted. The creditors included in Sections 1823, 1824 and 1825 have the right to abstain.

SECTION 1819.—If the settlement for reduction of amount and extension of time is agreed to with creditors of the same class, the legal decision of the majority shall be binding on all, without prejudice to the respective preference of the credits.

SECTION 1820.—If the debtor should comply with the settlement, his obligations shall be extinguished in the terms stipulated in the same; but should he fail to comply with the whole or a part of said settlement, the rights of the creditors shall revive for the sums of their original credits which they may not have received, and any of them may demand a declaration in or continuance of bankruptcy.

SECTION 1821.—Should there be no express stipulation to the contrary between the debtor and the creditors, the latter shall preserve their rights, after the termination of the bankruptcy, to collect from the pro-

perty which the debtor may subsequently acquire that part of their credits not received.

CHAPTER II.

CLASSIFICATION OF CREDITS.

SECTION 1822.—Credits shall be classified for their graduation and payment in the order and manner specified in this Chapter.

SECTION 1823.—With regard to specified personal property of the debtor, the following are preferred:

1.—Credits for the construction, repair, preservation, or for the amount of the sale of personal property which may be in the possession of the debtor to the extent of the value of the same.

2.—Those secured by a pledge which may be in the possession of the creditor, with regard to the thing pledged and to the extent of its value.

3.—Those guaranteed by a security of goods or securities constituted in a public or commercial establishment with regard to the security and for the value of the same.

4. Credits for transportation, with regard to the goods transported, for the amount of said transportation, expenses and rates of carriage and preservation, until the time of the delivery and for a period of thirty days afterwards.

5. Expenses of boarding with regard to the personal property of the debtor remaining in inns.

6. Credits for seeds and expenses of cultivation and harvesting, advanced to the debtor, with regard to the fruits of the crops to which they were applied.

7. Credits for rents and leases for one year with regard to the personal property of the lessee existing on the estate leased and on the fruits thereof.

If the personal property, with regard to which the preference is allowed, has been surreptitiously removed, the creditor may claim it from the person who has the same, within the term of thirty days counted from the time it was so removed.

SECTION 1824.—With regard to determined real property and property rights of the debtor, the following are preferred:

1.—The credits in favor of the People of Porto Rico with regard to the property of tax payers for the amounts of the last annual assessments, due and not paid, of the taxes which burden the same.

2.—The credits of insurers, with regard to the property insured, for the insurance premium for two years, and should the insurance be mutual, for the last two dividends declared.

3.—Mortgage and agricultural credits (*refaccionarios*) entered and recorded in the registry of property, with regard to the property mortgaged, or which has been the object of the agricultural loan (*refacción*).

4.—Credits, of which a cautionary notice has been made in the registry of property by virtue of a judicial mandate, by reason of attachments, sequestrations, or execution of judgments, with regard to the property entered therein and only with regard to subsequent credits.

5. Agricultural credits not entered nor recorded with regard to the real estate to which the agricultural loan (*refacción*) relates, and only with regard to other credits different from those mentioned in the four preceding numbers.

SECTION 1825.—With regard to the other personal and real property of the debtor, the following credits are preferred:

1.—Credits in favor of the People of Porto Rico or municipality for the taxes of the last year, due and unpaid, not included in No. 1 of Section 1824.

2.—Those due.—

A. For judicial expenses and those of administration of the bankruptcy for the common interest of the creditors, made with the proper authorization or approval.

B. For the funeral expenses of the debtor, according to the customs of the place, and also those of his wife and of his children, under their parental authority should they have no property of their own.

C. For expenses of the last illness of said persons, incurred during the last year, counted up to the day of their death.

D. For daily wages and salaries of employees and domestic servants for the last year.

E. For advances made to the debtor for himself and his family, constituted under his authority, in provisions, clothing, or shoes for the same period of time.

F. For income for support during the proceedings in bankruptcy unless they are based on mere beneficence.

3. Credits which without a special privilege appear.—

A. In a public instrument.

B. In a final judgment, should they have been the object of litigation.

These credits shall have preference among themselves according to the priority of dates of the instruments and of the judgments.

SECTION 1826.—Credits of any other kind or for any other consideration not included in the preceding section shall have no preference.

CHAPTER III.

PRIORITY OF PAYMENT OF CREDITS.

SECTION 1827.—Credits which enjoy preference with regard to certain personal property exclude all the others to the extent of the value of the personal property to which the preference refers.

When two or more creditors claim preference with regard to certain personal property, the following rules shall be observed as to priority of payment:

1.—Credits secured by a pledge exclude all others to the extent of the value of the thing given in pledge.

2. In case there is a security, should the latter be legally constituted in favor of more than one creditor, the priority between them shall be determined by the order of the dates of the execution of the guaranty.

3.—Credits for advances for seeds, expenses of cultivation, and harvesting, shall be preferred over those for rents and leases, with regard to the fruits of the crop for which they were incurred.

4.—In all other cases the value of the personal property shall be distributed pro rata among the credits which enjoy special preference with regard to the same property.

SECTION 1828.—Credits which enjoy preference with regard to certain real property or property rights exclude all others for their amounts to the extent of the value of the real estate or property rights to which the preference refers.

If two or more credits affecting certain real property or property rights should concur, the following rules shall be observed with regard to their priority:

1. Those mentioned in Nos. 1 and 2 of Section 1824 shall be preferred, according to their order, to

those included in the other numbers of the same section.

2. Mortgages and agricultural credits entered or recorded, mentioned in No. 3 of said Section 1824, and those included in No. 4 of the same, shall enjoy priority among themselves according to the priority of the respective entries or record in the registry of property.

3. Agricultural credits not recorded or entered in the registry, referred to in No. 5 of Section 1824, shall enjoy preference among themselves in the inverse order of their priority.

SECTION 1829.—The residue of the estate of a debtor, after the credits which enjoy preference with regard to certain property, personal or real, have been paid, shall become part of the property which he may possess for the payment of the other credits,

Those which enjoy preference with regard to certain property, personal or real, and which should not have been totally paid with the amount of such property, shall be paid with regard to the deficit in the order and place pertaining thereto, according to their respective characters.

SECTION 1830.—Credits which have no preference with regard to certain property, and those which have preference for the amount not collected, or when the right of preference should have prescribed, shall be paid according to the following rules :

1. In the order established in Section 1825.
2. Those preferred by dates, according to their order, and those which have a common date, pro rata.
3. Common credits, referred to in Section 1826, without consideration of their dates.

TITLE XVIII.

P R E S C R I P T I O N .

CHAPTER I.

G E N E R A L P R O V I S I O N S .

SECTION 1831.—Ownership and other property rights are acquired by prescription in the manner and under the conditions specified by law.

Rights and actions, of any kind whatsoever, also are extinguished by prescription in the same manner.

SECTION 1832.—Persons qualified to acquire property or rights by other legal means may also acquire the same by prescription.

SECTION 1833.—Rights and action shall extinguish by prescription to the prejudice of all kinds of persons, including judicial persons, in the terms prescribed by law.

Persons incapacitated to administer their property shall always retain the right to sue their legal representatives whose negligence may have been the cause of the prescription.

SECTION 1834.—Prescription acquired by a coproprietor or owner in common benefits all the others.

SECTION 1835.—Prescription produces its judicial effects in favor and against the inheritance, before the latter has been accepted, and during the time granted to make an inventory and for deliberation.

SECTION 1836.—Persons with the capacity to alienate may renounce the prescription acquired, but not the right to prescription in the future.

Prescription shall be understood as renounced in an implied manner when the renunciation arises from facts which lead to the supposition that the right acquired has been abandoned.

SECTION 1837.—All things which are the object of commerce are capable of prescription.

SECTION 1838.—Creditors and any other person interested in validating a prescription may benefit thereby, notwithstanding the express or implied renunciation of the debtor or owner.

SECTION 1839.—The provisions of this Title shall be understood without prejudice to what may be established in this Code or in special laws with regard to specified cases of prescription.

SECTION 1840.—Prescription, which began to run before the publication of this Code, shall be governed by the prior laws; but if, after this Code became operative, all the time required in the same for prescription has elapsed, it shall be effectual, even if according to said prior laws a longer period of time may be required.

CHAPTER II.

PRESCRIPTION OF OWNERSHIP AND OF OTHER PROPERTY RIGHTS.

SECTION 1841.—For ordinary prescription of ownership and other property rights, it is necessary to possess things in good faith and under a proper title, during the time specified by law.

SECTION 1842.—Possession must be in the capacity of an owner, public, peaceful, and uninterrupted.

SECTION 1843.—Acts of a possessory character, performed by virtue of a license, or by mere tolerance on the part of the owner, are of no effect for establishing possession.

SECTION 1844.—For the effects of prescription, possession is interrupted either naturally or civilly.

SECTION 1845.—Possession is interrupted naturally, when, for any cause whatsoever, it ceases for more than one year.

SECTION 1846.—Civil interruption is caused by a judicial citation of the possessor, even should it be by order of a court or of a judge without jurisdiction.

SECTION 1847.—The judicial citation shall be considered as not made and shall not cause interruption:

1.—If it should be void by reason of the absence of legal formalities.

2.—If the plaintiff should withdraw his complaint or should permit the proceedings to lapse.

3.—If the suit against the possessor should be dismissed.

SECTION 1848.—Civil interruption shall also take place by an action to avoid litigation, provided that within two months from its celebration a complaint as to possession or ownership of the thing contested be presented to the court or judge.

SECTION 1849.—Any express or implied acknowledgement which the possessor may make with regard to the right of the owner also interrupts possession.

SECTION 1850.—Against the title recorded in the registry of property, the ordinary prescription of ownership or of property rights shall not obtain to the prejudice of a third person, except by virtue of another title similarly recorded, and the time shall begin to run from the date of the entry of the latter.

SECTION 1851.—Good faith of the possessor consists in his belief that the person from whom he received the thing was the owner of the same, and could convey his title.

SECTION 1852.—The conditions of good faith, required for possession in Sections 436 and 437 of Chapter I, Title V, and in Section 544, of Article First, Chapter I, Title VII of the Second Book of this Code, are equally neces-

sary for the determination of said requisite in the prescription of ownership and of other property rights.

SECTION 1853.—By a proper title is understood that which legally suffices to transfer the ownership or property right, the prescription of which is in question.

SECTION 1854.—The title for prescription must be true and valid.

SECTION 1855.—A proper title must be proven; it never can be presumed.

SECTION 1856.—The ownership of personal property prescribes by uninterrupted possession in good faith for a period of three years.

The ownership of personal property also prescribes by uninterrupted possession for six years, without the necessity of any other condition.

The provisions of Section 466 of Chapter III, Title V, Book Second of this Code, shall be observed with regard to the rights of the owner to recover the personal property lost or of which he may have been illegally deprived, and also with regard to those acquired at an auction, on exchanges, at fairs or markets, or from a merchant legally established or customarily engaged in the traffic of similar objects.

SECTION 1857.—Personal property stolen or robbed can not prescribe to the persons who stole or robbed the same, nor to their accomplices, or harborers, unless the crime or misdemeanor or their penalties and the action to demand the civil liability, arising from the crime or misdemeanor, have prescribed.

SECTION 1858.—Ownership and other property rights in real property shall prescribe by possession for ten years as to persons present, and for twenty years with regard to those absent, with good faith and with a proper title.

SECTION 1859.—For the purposes of prescription, a person who resides outside of Porto Rico, either in the United States, in foreign parts or in any other point shall be considered as absent.

If said person was present during part of the time and absent during another part, every two years of absence shall be considered as one year to complete the ten years of the time required to be present.

Absence which is not for a whole and continuous year shall not be considered in the computation.

SECTION 1860.—Ownership and other property rights in real property shall also prescribe by uninterrupted possession of the same for thirty years without the necessity of title nor good faith and without distinction between present and absent persons, with the exception mentioned in Section 546 of the second article, Chapter I, Title VII of the Second Book of this Code.

SECTION 1861.—In the computation of the time necessary for prescription, the following rules shall be observed:

1. The actual possessor may complete the time necessary for prescription, by adding to his time that of his constituent.

2. It is presumed that the actual possessor, who may have been a possessor at a former period, has continued to be such possessor during the time intervening, unless there is proof to the contrary.

3. The day on which the time begins to run is considered as a whole day, but the last day must be wholly completed.

CHAPTER III.

PRESCRIPTION OF ACTIONS.

SECTION 1862.—Actions are prescribed by the mere lapse of time specified by law.

SECTION 1863.—Real actions with regard to personal property prescribe after the lapse of six years from the loss of possession, unless the possessor may have during a shorter term acquired the ownership in accordance with Section 1856, and with the exception of the cases of loss and public sale, and those of theft and robbery, in which cases the provisions of the third paragraph of said section shall be observed.

SECTION 1864.—Real actions with regard to real property prescribe after thirty years.

This provision is understood without prejudice to the prescriptions relating to the acquisition of ownership or of property rights by prescription.

SECTION 1865.—A mortgage action prescribes after twenty years, and those which are personal and for which no special term of prescription is fixed, after fifteen years.

SECTION 1866.—Among coheirs, coowners, or proprietors of adjacent estates, the action to demand the division of the inheritance, of the thing held in common, or the survey of the adjacent properties does not prescribe.

SECTION 1867.—Actions to demand the fulfillment of the following obligations prescribe in five years.

1. For the payment of income for support.
2. For the payment of rents, whether derived from rural or from town property.
3. That of any other payments which should have been made annually or in shorter periods.

SECTION 1868.—Actions for the fulfillment of the following obligations shall prescribe in three years:

- 1.--For the payment of judges, lawyers, registers, notaries public, experts, agents, and clerks for their charges and fees and the expenses and disbursements

incurred by them in the discharge of their duties or offices in the matters to which the obligations refer.

2.—For payments to apothecaries for medicines which they have supplied; to professors and teachers for their salaries and stipends for the instruction they have given, or for the exercise of their profession, art, or trade.

3.—For the payment of mechanics, servants, and laborers the amounts due for their services, and for the supplies or disbursements they may have incurred with regard to the same.

4.—For the payment of board and lodging to innkeepers, and to traders for the value of goods sold to others who are not traders, or who, being such, are engaged in a different trade.

The time for the prescription of actions referred to in the three preceding paragraphs shall be counted from the time the respective services have ceased to be rendered.

SECTION 1869.—The following prescribe in one year:

1.—Actions to recover or retain possession.

2.—Actions to demand civil liability for grave insults or calumny, and for obligations arising from the fault or negligence mentioned in Section 1803, from the time the aggrieved person had knowledge thereof.

SECTION 1870.—The time for the prescription of all kinds of actions, when there is no special provision to the contrary, shall be counted from the day on which they could have been instituted.

SECTION 1871.—The time for the prescription of actions, the object of which is to demand the fulfillment of obligations with regard to principal with interest or rent, runs from the last payment of rent or interest.

The same shall be understood with regard to the

principal of the consignative or transferable annuity.

In emphyteutic and reservative annuities the time for the running of the prescription shall be counted from the last payment of the pension or income.

SECTION 1872.—The period for the prescription of actions to demand the fulfillment of obligations declared in a judgment shall begin from the day judgment became final.

SECTION 1873.—The term for the prescription of actions to demand the rendering of accounts runs from the day on which those who should have rendered them ceased in their charges.

That pertaining to the action for the balance of accounts, from the date on which the latter was acknowledged by agreement of the parties interested.

SECTION 1874.—Prescription of actions is interrupted by their institution before the courts, by extrajudicial claim of the creditor, and by any act of acknowledgment of the debt by the debtor.

SECTION 1875.—Interruption of prescription of actions in joint obligations equally benefits or injures all the creditors or debtors.

This provision is likewise applicable with regard to the heirs of the debtor in all kinds of obligations.

In obligations in common, when the creditor does not claim from one of the debtors more than the part pertaining to him, prescription is not interrupted for that reason with regard to the other codebtors.

SECTION 1876.—Interruption of the prescription against the principal debtor by suit for debt shall also lie against his surety; but that arising from extrajudicial claims of the creditor or private acknowledgments of the debtor shall not prejudice said surety.

FINAL PROVISION

The Civil Code and all other laws or bodies of law which directly or indirectly are in conflict with the provisions of this revised Civil Code are repealed and left without force or effect, both as laws directly binding, and as supplementary law. This provision is not applicable to the laws which in this revised Code are declared to be continued in force.

TEMPORARY PROVISIONS

The changes introduced by the reforms made in the Civil Code, which prejudice rights vested according to the previous civil legislation shall no have retroactive effect. To apply the corresponding legislation in cases not expressly defined in the revised Code the following rules shall be observed:

1.—The rights originating under the legislation previous to the revised Code from acts which took place while it was in force, shall be governed by the previous legislation even though the said Code regulates them in a different manner or does not recognize them. But if the rights shall appear and be declared for the first time in the revised Civil Code it shall have a prospective effect, even though the act which produces it shall take place under the previous legislation. Provided that it be not in conflict with or prejudicial to another right borne or acquired through the operation of the said previous legislation.

2.—Acts and contracts entered into while the former legislation was in force and which are valid under it, shall have all their effects according to the same, without limitation of any kind.

3.—The provisions of the revised Civil Code which

sanction by a civil penalty or by deprivation of rights, acts or omissions which were without sanction in the previous laws are not applicable to him who while these were in force shall have been guilty of the omission or done the act prohibited by said revised Civil Code.

When the offense is also punished by the previous legislation the less severe provision shall be applied.

4.—Actions and rights born and not exercised before the revised Code goes into operation shall continue with the duration and in the terms and the extent to which the preceding legislation may have recognized them, but are subject with reference to their exercise, duration and proceedings to enforce them to the provisions of the revised Code. If the exercise of the right or of the action shall be pending in proceedings begun under the former legislation, and these proceedings shall be different than those established by the revised Code the interested parties may elect between one and the other.


5.—Guardians and curators named under the former legislation and in accordance with it shall preserve their trusts subject, however, as to the discharge of their duties to the provisions of the revised Code, which abolishes the family council and substitutes for its action that of the District Court in the proper cases. Protutors shall cease in the discharge of their duties from henceforth.

In the same manner those who have the possession and the administration of property of other persons shall continue in the discharge of their trusts in the cases established under the former legislation.

6.—The rights to the inheritance of him who has died with or without a will before this revised Civil

Code goes into effect shall be governed by the previous legislation; the inheritance of those dying afterwards with or without a will shall be settled and partitioned in accordance with this revised Civil Code, but carrying out testamentary provisions in so far as this Code permits. There shall be respected to that extent the legitimate portions, betterments and legacies, but reducing their amount, if there cannot be given in any other manner to each participant the share that belongs to him according to this revised Civil Code.

7.—Cases not directly comprised in the previous provisions shall be decided by applying the principles which serve for their foundation.



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CODE OF ETHICS FOR THE JOURNALIST

Adopted by the National Press Conference

at Washington, D. C., January 1, 1922

Revised by the National Press Conference

1922

1. The journalist shall be guided by the following principles:

2. He shall be truthful and accurate.

3. He shall be impartial and unbiased.

4. He shall be independent.

5. He shall be courageous and fearless.

6. He shall be honest and straightforward.

7. He shall be loyal to the public interest.

8. He shall be respectful of the rights of others.

9. He shall be cooperative with the law.

10. He shall be a member of the press.

11. He shall be a member of the community.

12. He shall be a member of the world.

13. He shall be a member of the future.

14. He shall be a member of the past.

15. He shall be a member of the present.

16. He shall be a member of the future.

17. He shall be a member of the past.

18. He shall be a member of the present.

19. He shall be a member of the future.

20. He shall be a member of the past.

21. He shall be a member of the present.

22. He shall be a member of the future.

23. He shall be a member of the past.

24. He shall be a member of the present.

25. He shall be a member of the future.

26. He shall be a member of the past.

27. He shall be a member of the present.

28. He shall be a member of the future.

29. He shall be a member of the past.

30. He shall be a member of the present.

31. He shall be a member of the future.

32. He shall be a member of the past.

33. He shall be a member of the present.

34. He shall be a member of the future.

35. He shall be a member of the past.

36. He shall be a member of the present.

37. He shall be a member of the future.

38. He shall be a member of the past.

39. He shall be a member of the present.

40. He shall be a member of the future.

41. He shall be a member of the past.

42. He shall be a member of the present.

43. He shall be a member of the future.

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